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300 **BILL 115**

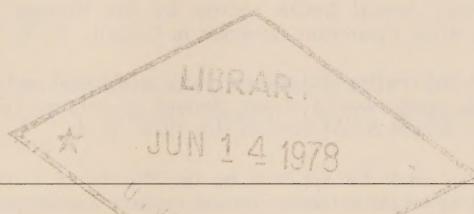
Government  
Publications  
Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

*Legislative Assembly*

2 1978

**An Act to revise  
The Children's Mental Health Centres Act**



THE HON. KEITH C. NORTON  
Minister of Community and Social Services

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



#### EXPLANATORY NOTE

The purpose of the Bill is to update and extend the application of *The Children's Mental Health Centres Act* and include some provisions of *The Children's Mental Hospitals Act*.

Some features of the Bill are as follows:

1. The definition of "children's mental health centre" has been expanded to include children suffering from psychiatric disorders or any combination thereof. (s. 1).
2. Provision is made for the establishment, operation and maintenance of children's mental health centres by the Minister with the approval of the Lieutenant Governor in Council. (s. 3).
3. Hospitals and centres that are currently established and approved under the predecessor Acts are deemed to continue under *The Children's Mental Health Services Act, 1978*. (s. 4).
4. Provision is made for approval by the Minister of a corporation intending to establish, maintain and operate a children's mental health centre. The criteria for approval are similar to those used in other statutes administered by the Ministry. (s. 5).
5. Criteria are provided for approval by the Minister of children's mental health centres. The need for a service is one of the criteria together with suitability of the premises. Provision is made for retroactive approval of both corporations and centres. This is consistent with other Ministry statutes. (s. 6).
6. Procedures for suspension or revocation of approvals of corporations and children's mental health centres are provided. (s. 7).
7. The Bill provides for the appointment of program advisers and prescribes the powers and duties of program advisers. This section is complementary to the amendments proposed to the other statutes. (s. 8).
8. The Bill provides that by-laws of approved corporations shall contain provisions prescribed by the regulations and requires a copy of the by-laws and amendments to be filed with a Director. (s. 9).
9. The Minister may purchase from any person services for or on behalf of children suffering from psychiatric, mental or emotional disorders or any combination thereof. Authority is given in section 14 to make regulations prescribing "services" to be purchased. (s. 13).



BILL 115

1978

**An Act to revise  
The Children's Mental Health Centres Act**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "approved children's mental health centre" means a children's mental health centre approved under section 6;
- (b) "approved corporation" means a corporation approved under section 5;
- (c) "children's mental health centre" means all or any part of a building or buildings maintained and operated to provide services for children suffering from mental, emotional or psychiatric disorders or any combination thereof;
- (d) "Director" means an employee of the Ministry appointed by the Minister as a director for all or any of the purposes of this Act;
- (e) "Minister" means the Minister of Community and Social Services;
- (f) "Ministry" means the Ministry of Community and Social Services;
- (g) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 68, s. 1; R.S.O. 1970, c. 69, s. 1; 1972, c. 1, s. 1, *amended*.

**2.—(1)** The Minister may appoint one or more persons Appointment  
of Director  
to act as a Director.

Duties of  
Director

(2) A Director shall perform the duties imposed and may exercise the powers conferred upon a Director by this Act or the regulations or by any other Act or regulation thereunder.

Acting  
Director

(3) Where a Director is absent or there is a vacancy in the office of a Director, the powers and duties of the Director shall be exercised and performed by such employee of the Ministry as the Minister designates. *New.*

Centres  
established  
by  
Minister

3. The Minister, with the approval of the Lieutenant Governor in Council, may establish, operate and maintain one or more children's mental health centres. R.S.O. 1970, c. 68, s. 3; R.S.O. 1970, c. 69, s. 2 (1), *amended.*

Existing  
hospitals  
to continue

4.—(1) Subject to this Act and the regulations, a hospital established under section 2 of *The Children's Mental Hospitals Act*, being chapter 69 of the Revised Statutes of Ontario, 1970 or designated under the regulations made under that Act before this Act comes into force, shall be deemed to continue as a children's mental health centre under section 3 of this Act until the establishment or designation is revoked by the Lieutenant Governor in Council.

Board of  
governors  
to continue

(2) Subject to this Act and the regulations, a board of governors appointed under section 4 of *The Children's Mental Hospitals Act*, being chapter 69 of the Revised Statutes of Ontario, 1970 before this Act comes into force, shall be deemed to continue as a board under this Act as if section 4 of *The Children's Mental Hospitals Act* were in force, until the appointment of the board is revoked by the Lieutenant Governor in Council.

Children's  
mental  
health  
centres to  
continue

(3) Subject to this Act and the regulations, a children's mental health centre designated as such by the regulations under *The Children's Mental Health Centres Act*, being chapter 68 of the Revised Statutes of Ontario, 1970 before this Act comes into force, shall be deemed to be an approved children's mental health centre until the approval is suspended or revoked.

Corporations  
to continue

(4) Subject to this Act and the regulations, a corporation that operates a children's mental health centre designated as such by the regulations under *The Children's Mental Health Centres Act*, being chapter 68 of the Revised Statutes of Ontario, 1970 before this Act comes into force, shall be deemed to be an approved corporation until the approval is suspended or revoked. *New.*

Approval of  
corporations

5. Where the Minister is satisfied that any corporation is, with financial assistance under this Act and the regu-



lations, financially capable of establishing, maintaining and operating a children's mental health centre and that its affairs are carried on under competent management in good faith, the Minister may approve the corporation for the purposes of this Act and the regulations. *New.*

**6.—**(1) Where the Minister is satisfied that all or any part of a building or buildings is suitable for providing services as a children's mental health centre in accordance with this Act and the regulations and that there is a need for a children's mental health centre in the area served or to be served by the centre, the Minister may approve all or any part of the building or buildings, as the case may be, as a children's mental health centre and assistance may be given under this Act and the regulations for the maintenance and operation of the children's mental health centre. Approval of buildings

(2) An approval given under subsection 1 or under section 5 may take effect on any date fixed by the Minister that is prior to the date on which the approval is given, but in no case shall the date upon which the approval under subsection 1 takes effect precede the date on which the approval given under section 5 to the corporation maintaining and operating the children's mental health centre takes effect. *New.* Effective date of approval

**7.—**(1) Subject to this section, any approval given under section 5 or 6 may be suspended or revoked by the Minister where, Suspension and revocation of approvals

(a) any director, officer or employee of the approved corporation has contravened or knowingly permitted any person under the control and direction of the director, officer or employee, as the case may be, to contravene any provision of this Act or the regulations; or

(b) the approval would be refused if application were being made for it in the first instance.

(2) Subject to subsection 10, where the Minister proposes to suspend or revoke an approval given under section 5 or 6, the Minister shall, except where the approval is suspended or revoked with the consent of the approved corporation, serve notice of the Minister's proposal to suspend or revoke the approval, together with written reasons therefor, on the approved corporation. Notice of proposal to suspend or revoke

(3) A notice under subsection 2 shall inform the approved corporation that it is entitled to a hearing under this section Notice requiring hearing

if the corporation mails or delivers, within fifteen days after the notice under subsection 2 is served on it, notice in writing, to the Minister requiring a hearing and the corporation may so require a hearing.

Powers of  
Minister  
where no  
hearing

(4) Where the approved corporation does not require a hearing under this section in accordance with subsection 5, the Minister may carry out the proposal stated in the Minister's notice under subsection 2 without a hearing.

Hearing

(5) Where the approved corporation requires a hearing under subsection 3, the Minister shall cause a hearing to be held to determine whether the approval should be suspended or revoked.

Idem

(6) Where the Minister causes a hearing to be held, the hearing shall be held by a person or persons appointed by the Minister other than a person or persons in the employment of the Ministry.

Application  
of 1971,  
c. 47

(7) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Report to  
Minister

(8) The person or persons holding a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out,

(a) the findings of fact and any information or knowledge used by the person or persons in making any recommendations, any conclusions of law arrived at relevant to the recommendations; and

(b) the recommendations of the person or persons as to the suspension or revocation of the approval,

and shall send a copy of the report to the persons affected by the report.

Decision of  
Minister

(9) After considering a report made under this section, the Minister may suspend or revoke the approval to which the report relates and shall give notice of the Minister's decision to the persons affected, specifying the reasons therefor.

Provisional  
suspension  
of approval

(10) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, a threat to the health,

safety or welfare of the children in the children's mental health centre and the Minister so states in such notice giving reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 9 apply. *New.*

**8.**—(1) The Minister may designate in writing any person to be a program adviser with such powers and duties for the purposes of this Act and the regulations and subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the designation. Program adviser

(2) A program adviser may at all reasonable times and, upon producing proper identification, Powers of program advisers

(a) enter any children's mental health centre and inspect the facilities, the services provided and the books of account and other records therein; and

(b) inspect the books of account and other records of an approved corporation that pertain to a children's mental health centre. R.S.O. 1970, c. 68, s. 17 (1, 2).

(3) Every person when requested so to do by a program adviser shall permit the entry and inspection by the program adviser of the premises referred to in subsection 1 and shall produce and permit inspection of the books of account and other records therein and supply extracts therefrom. Access for inspections

(4) No person shall hinder or obstruct a program adviser in the performance of the program adviser's duties or refuse to permit the program adviser to carry out such duties or refuse to furnish the program adviser with information or furnish the program adviser with false information. *New.* Obstructing inspection

**9.** The by-laws of every approved corporation shall contain such provisions as the regulations prescribe and a certified copy of the by-laws and any amendments thereto shall be filed with a Director forthwith after they are made. *New.* By-laws

**10.** The Lieutenant Governor in Council may designate any children's mental health centre under this Act that has a board, appointed under section 4 of *The Children's Mental Hospitals Act*, as a hospital within the meaning of *The Public Hospitals Act* for the purpose of entitling it to receive grants under that Act and the regulations thereunder in the same amount and manner as other public hospitals under that Act. R.S.O. 1970, c. 69, s. 6, *amended.* Designation of public hospital  
R.S.O. 1970, cc. 378, 270



Application  
of R.S.O. 1970,  
cc. 378, 270

**11.** The Lieutenant Governor in Council may designate any provision of *The Public Hospitals Act* or of the regulations thereunder or any provision of *The Mental Hospitals Act* or of the regulations thereunder as being applicable to any children's mental health centre under this Act. R.S.O. 1970, c. 69, s. 7, *amended*.

Taxation

R.S.O. 1970,  
c. 270

**12.** The real and personal property, business and income of a children's mental health centre operated by a board, appointed under section 4 of *The Children's Mental Hospitals Act*, is not subject to taxation for municipal or provincial purposes. R.S.O. 1970, c. 69, s. 8, *amended*.

Purchase of  
services

**13.** The Minister may, by written agreement or otherwise and upon such terms and conditions as may be agreed, purchase from any person, services for or on behalf of children suffering from mental, emotional or psychiatric disorders or any combination thereof. *New*.

Regula-  
tions

**14.** The Lieutenant Governor in Council may make regulations governing the management, operation and use of children's mental health centres and classes thereof, and, without limiting the generality of the foregoing, may make regulations,

- (a) prescribing classes of approved children's mental health centres, and the services to be provided in any centre or class thereof;
- (b) governing the admission of persons to and their discharge from approved children's mental health centres, prescribing the conditions of eligibility and procedures for such admission and discharge;
- (c) exempting designated,
  - (i) approved corporations, or
  - (ii) approved children's mental health centres,
 or any class thereof from specified provisions of this Act or the regulations for such period or periods of time as the regulations prescribe;
- (d) governing the accommodation, facilities, equipment and services to be provided in children's mental health centres;
- (e) prescribing the qualifications of persons employed in children's mental health centres or any class

thereof and prescribing the powers and duties of such persons;

- (f) governing the establishment, location and construction of children's mental health centres or any class thereof and their alteration and renovation;
- (g) prescribing the classes of payments by way of provincial aid to any children's mental health centre or class thereof and the methods of determining the amounts of payments and providing for the manner and time of payment and the terms and conditions for the payment thereof and the suspension and withholding of payments and for the making of deductions from payments;
- (h) prescribing additional powers and duties of program advisers;
- (i) defining criteria that shall be used by the Minister in determining need under subsection 1 of section 6;
- (j) prescribing provisions to be included in the by-laws of approved corporations;
- (k) prescribing the accounts and records to be kept, claims, returns and reports to be made and requiring budgets to be submitted by approved children's mental health centres and approved corporations;
- (l) prescribing forms and providing for their use;
- (m) for the purposes of this Act and the regulations, defining "services" and "facilities" and prescribing classes of services and facilities;
- (n) establishing procedures by which a determination may be made by a person or persons of services that shall be provided in exceptional cases by a children's mental health centre or any class thereof and prescribing the person or persons who shall make such determination and what constitutes exceptional cases;
- (o) prescribing programs to be provided in a children's mental health centre or any class thereof;
- (p) prescribing additional powers and duties of a Director;

- (g) requiring approved corporations and approved children's mental health centres to provide such information as is prescribed and prescribing the persons to whom such information is to be given. R.S.O. 1970, c. 68, s. 21 (1); R.S.O. 1970, c. 69, s. 9; 1971, c. 50, s. 20 (6), *amended*.

Service

**15.—**(1) Unless otherwise provided for in this Act or the regulations, any notice required to be given, delivered, filed or served under this Act or the regulations is sufficiently given, delivered, filed or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person's last known address.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the tenth day after the day of mailing unless the person on whom service is being made establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice until a later date.  
*New.*

Offences

**16.—**(1) Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;

- (b) contravenes any provision of section 8 or 9,

and every director, officer or employee of a corporation who knowingly concurs in such furnishing of false information, or contravention by the corporation, is guilty of an offence and on summary conviction by the court is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both.

Corporations

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein. R.S.O. 1970, c. 68, s. 20, *amended*.

Repeals

**17.** The following are repealed:

1. *The Children's Mental Health Centres Act*, being chapter 68 of the Revised Statutes of Ontario, 1970.
2. Section 20 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.



3. Subsections 1, 2 and 5 of section 1 of *The Children's Services Transfer Act, 1977*, being chapter 22.

4. *The Children's Mental Hospitals Act*, being chapter 69 of the Revised Statutes of Ontario, 1970.

**18.** This Act comes into force on a day to be named by <sup>Commence-</sup>proclamation of the Lieutenant Governor.<sup>ment</sup>

**19.** The short title of this Act is *The Children's Mental* <sup>Short title</sup>  
*Health Services Act, 1978.*

An Act to revise  
The Children's Mental Health Centres Act

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*1st Reading*

June 8th, 1978

*2nd Reading*

*3rd Reading*

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THE HON. KEITH C. NORTON  
Minister of Community and  
Social Services,

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*(Government Bill)*

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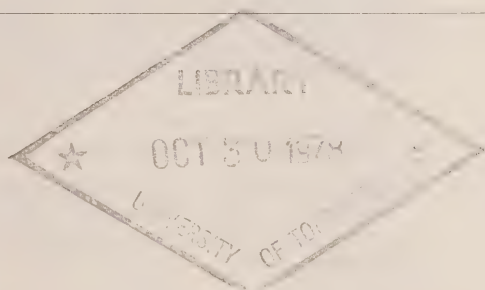
## BILL 115

Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to revise  
The Children's Mental Health Centres Act**

THE HON. KEITH C. NORTON  
Minister of Community and Social Services



*(Reprinted as amended by the Social Development Committee)*

TORONTO

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The purpose of the Bill is to update and extend the application of *The Children's Mental Health Centres Act* and include some provisions of *The Children's Mental Hospitals Act*.

Some features of the Bill are as follows:

1. The definition of "children's mental health centre" has been expanded to include children suffering from psychiatric disorders or any combination thereof. (s. 1).
2. Provision is made for the establishment, operation and maintenance of children's mental health centres by the Minister with the approval of the Lieutenant Governor in Council. (s. 3).
3. Hospitals and centres that are currently established and approved under the predecessor Acts are deemed to continue under *The Children's Mental Health Services Act, 1978*. (s. 4).
4. Provision is made for approval by the Minister of a corporation intending to establish, maintain and operate a children's mental health centre. The criteria for approval are similar to those used in other statutes administered by the Ministry. (s. 5).
5. Criteria are provided for approval by the Minister of children's mental health centres. The need for a service is one of the criteria together with suitability of the premises. Provision is made for retroactive approval of both corporations and centres. This is consistent with other Ministry statutes. (s. 6).
6. Procedures for suspension or revocation of approvals of corporations and children's mental health centres are provided. (s. 7).
7. The Bill provides for the appointment of program advisers and prescribes the powers and duties of program advisers. This section is complementary to the amendments proposed to the other statutes. (s. 9).
8. The Bill provides that by-laws of approved corporations shall contain provisions prescribed by the regulations and requires a copy of the by-laws and amendments to be filed with a Director. (s. 10).
9. The Minister may purchase from any person services for or on behalf of children suffering from psychiatric, mental or emotional disorders or any combination thereof. Authority is given in section 12 to make regulations prescribing "services" to be purchased. (s. 11).

BILL 115

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- (d) "Director" means an employee of the Ministry appointed by the Minister as a director for all or any of the purposes of this Act;
- (e) "Minister" means the Minister of Community and Social Services;
- (f) "Ministry" means the Ministry of Community and Social Services;
- (g) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 68, s. 1; R.S.O. 1970, c. 69, s. 1; 1972, c. 1, s. 1, *amended*.

**2.—(1)** The Minister may appoint one or more persons to act as a Director. Appointment  
of Director

Duties of  
Director

(2) A Director shall perform the duties imposed and may exercise the powers conferred upon a Director by this Act or the regulations or by any other Act or regulation thereunder.

Acting  
Director

(3) Where a Director is absent or there is a vacancy in the office of a Director, the powers and duties of the Director shall be exercised and performed by such employee of the Ministry as the Minister designates. *New.*

Centres  
established  
by  
Minister

**3.** The Minister, with the approval of the Lieutenant Governor in Council, may establish, operate and maintain one or more children's mental health centres. R.S.O. 1970, c. 68, s. 3; R.S.O. 1970, c. 69, s. 2 (1), *amended.*

Existing  
hospitals  
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**4.—**(1) Subject to this Act and the regulations, a hospital established under section 2 of *The Children's Mental Hospitals Act*, being chapter 69 of the Revised Statutes of Ontario, 1970 or designated under the regulations made under that Act before this Act comes into force, shall be deemed to continue as a children's mental health centre under section 3 of this Act until the establishment or designation is revoked by the Lieutenant Governor in Council.

Board of  
governors  
to continue

(2) Subject to this Act and the regulations, a board of governors appointed under section 4 of *The Children's Mental Hospitals Act*, being chapter 69 of the Revised Statutes of Ontario, 1970 before this Act comes into force, shall be deemed to continue as a board under this Act as if section 4 of *The Children's Mental Hospitals Act* were in force, until the appointment of the board is revoked by the Lieutenant Governor in Council.

Children's  
mental  
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(3) Subject to this Act and the regulations, a children's mental health centre designated as such by the regulations under *The Children's Mental Health Centres Act*, being chapter 68 of the Revised Statutes of Ontario, 1970 before this Act comes into force, shall be deemed to be an approved children's mental health centre until the approval is suspended or revoked.

Corporations  
to continue

(4) Subject to this Act and the regulations, a corporation that operates a children's mental health centre designated as such by the regulations under *The Children's Mental Health Centres Act*, being chapter 68 of the Revised Statutes of Ontario, 1970 before this Act comes into force, shall be deemed to be an approved corporation until the approval is suspended or revoked. *New.*

Approval of  
corporations

**5.—**(1) Where the Minister is satisfied that any corporation is, with financial assistance under this Act and the regu-



lations, financially capable of establishing, maintaining and operating a children's mental health centre and that its affairs are carried on under competent management in good faith, the Minister may approve the corporation for the purposes of this Act and the regulations.



(2) Where the Minister intends to approve a corporation under subsection 1, the Minister may enter into an agreement with the corporation for the establishment of a children's mental health centre upon such terms and conditions as may be agreed and may direct payment of expenditures as are necessary for the purpose. *New.*

Funding of corporations

6.—(1) Where the Minister is satisfied that all or any part of a building or buildings is suitable for providing services as a children's mental health centre in accordance with this Act and the regulations and that there is a need for a children's mental health centre in the area served or to be served by the centre, the Minister may approve all or any part of the building or buildings, as the case may be, as a children's mental health centre and assistance may be given under this Act and the regulations for the maintenance and operation of the children's mental health centre.

Approval of buildings

(2) An approval given under subsection 1 or under section 5 may take effect on any date fixed by the Minister that is prior to the date on which the approval is given, but in no case shall the date upon which the approval under subsection 1 takes effect precede the date on which the approval given under section 5 to the corporation maintaining and operating the children's mental health centre takes effect. *New.*

Effective date of approval

7.—(1) Subject to this section, any approval given under section 5 or 6 may be suspended or revoked by the Minister where,

Suspension and revocation of approvals

- (a) any director, officer or employee of the approved corporation has contravened or knowingly permitted any person under the control and direction of the director, officer or employee, as the case may be, to contravene any provision of this Act or the regulations; or
- (b) the approval would be refused if application were being made for it in the first instance.

(2) Subject to subsection 10, where the Minister proposes to suspend or revoke an approval given under section 5 or 6,

Notice of proposal to suspend or revoke

the Minister shall, except where the approval is suspended or revoked with the consent of the approved corporation, serve notice of the Minister's proposal to suspend or revoke the approval, together with written reasons therefor, on the approved corporation.

Notice  
requiring  
hearing

(3) A notice under subsection 2 shall inform the approved corporation that it is entitled to a hearing under this section if the corporation mails or delivers, within fifteen days after the notice under subsection 2 is served on it, notice in writing, to the Minister requiring a hearing and the corporation may so require a hearing.

Powers of  
Minister  
where no  
hearing

(4) Where the approved corporation does not require a hearing under this section in accordance with subsection 5, the Minister may carry out the proposal stated in the Minister's notice under subsection 2 without a hearing.

Hearing

(5) Where the approved corporation requires a hearing under subsection 3, the Minister shall cause a hearing to be held to determine whether the approval should be suspended or revoked.

Idem

(6) Where the Minister causes a hearing to be held, the hearing shall be held by a person or persons appointed by the Minister other than a person or persons in the employment of the Ministry.

Application  
of 1971.  
c. 47

(7) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Report to  
Minister

(8) The person or persons holding a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out,

(a) the findings of fact and any information or knowledge used by the person or persons in making any recommendations, any conclusions of law arrived at relevant to the recommendations; and

(b) the recommendations of the person or persons as to the suspension or revocation of the approval,

and shall send a copy of the report to the persons affected by the report.

Decision of  
Minister

(9) After considering a report made under this section, the Minister may suspend or revoke the approval to which the report relates and shall give notice of the Minister's

decision to the persons affected, specifying the reasons therefor.

(10) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, a threat to the health, safety or welfare of the children in the children's mental health centre and the Minister so states in such notice giving reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 9 apply. *New.* Provisional suspension of approval

**8.** In determining need for the purposes of sections 6 and 7, the Minister shall take into account in addition to all other relevant considerations, Determination of need

- (a) the services for children provided in approved children's mental health centres that exist;
- (b) the services for children that are available other than in approved children's mental health centres;
- (c) the number of children requiring the services of children's mental health centres;
- (d) the predictable continuing demand for children's mental health centres,

in the area, or in the area and any other area served or to be served by the children's mental health centre,

- (e) the relative priority of the program of the children's mental health centre in relation to all other programs for children funded by the Ministry;
- (f) the funds available to provide continuing services for children in approved children's mental health centres; and
- (g) the place or places of residence of the children served or to be served by the children's mental health centre. *New.*

**9.—(1)** The Minister may designate in writing any person to be a program adviser with such powers and duties for the purposes of this Act and the regulations and subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the designation. Program adviser



Remunera-  
tion and  
expenses

(2) The remuneration and expenses of any person appointed under subsection 1 who is not in the employ of the public service of Ontario shall be fixed by the Minister and shall be paid out of the moneys appropriated therefor by the Legislature.

Powers of  
program  
advisers

(3) A program adviser may at all reasonable times and, upon producing proper identification,

(a) enter any children's mental health centre and inspect the facilities, the services provided and the books of account and other records therein; and

(b) inspect the books of account and other records of an approved corporation that pertain to a children's mental health centre. R.S.O. 1970, c. 68, s. 17 (1, 2).

Access for  
inspections

(4) Every person when requested so to do by a program adviser shall permit the entry and inspection by the program adviser of the premises referred to in subsection 3 and shall produce and permit inspection of the books of account and other records therein and supply extracts therefrom.

Obstructing  
inspection

(5) No person shall hinder or obstruct a program adviser in the performance of the program adviser's duties or refuse to permit the program adviser to carry out such duties or refuse to furnish the program adviser with information or furnish the program adviser with false information. *New.*

By-laws

**10.** The by-laws of every approved corporation shall contain such provisions as the regulations prescribe and a certified copy of the by-laws and any amendments thereto shall be filed with a Director forthwith after they are made. *New.*

Purchase of  
services

**11.** The Minister may, by written agreement or otherwise and upon such terms and conditions as may be agreed, purchase from any person, services for or on behalf of children suffering from mental, emotional or psychiatric disorders or any combination thereof and may direct payment of expenditures as are necessary for the purpose. *New.*

Regula-  
tions

**12.** The Lieutenant Governor in Council may make regulations governing the management, operation and use of approved children's mental health centres and classes thereof, and, without limiting the generality of the foregoing, may make regulations,

(a) governing the admission of persons to and their discharge from approved children's mental health

centres, prescribing the conditions of eligibility and procedures for such admission and discharge;

(b) exempting designated,

(i) approved corporations, or

(ii) approved children's mental health centres,

or any class thereof from specified provisions of this Act or the regulations for such period or periods of time as the regulations prescribe;

(c) governing the accommodation, facilities, equipment and services to be provided in approved children's mental health centres or any class thereof;

(d) prescribing the qualifications of persons employed in approved children's mental health centres or any class thereof and prescribing the powers and duties of such persons;

(e) governing the establishment, location and construction of approved children's mental health centres or any class thereof and their alteration and renovation;

(f) prescribing the classes of payments by way of provincial aid to any approved corporation, or approved children's mental health centre or class thereof and the methods of determining the amounts of payments and providing for the manner and time of payment and the terms and conditions for the payment thereof and the suspension and withholding of payments and for the making of deductions from payments;

(g) prescribing additional powers and duties of program advisers;

(h) prescribing provisions to be included in the by-laws of approved corporations;

(i) prescribing the accounts and records to be kept, claims, returns and reports to be made and requiring budgets to be submitted by approved children's mental health centres and approved corporations;

(j) prescribing forms and providing for their use;

- (k) for the purposes of this Act and the regulations, defining “services” and “facilities” and prescribing classes of services and facilities;
- (l) establishing procedures by which a determination may be made by a person or persons of services that shall be provided in exceptional cases by an approved children’s mental health centre or any class thereof and prescribing the person or persons who shall make such determination and what constitutes exceptional cases;
- (m) prescribing programs to be provided in an approved children’s mental health centre or any class thereof;
- (n) prescribing additional powers and duties of a Director;
- (o) requiring approved corporations and approved children’s mental health centres to provide such information as is prescribed and prescribing the persons to whom such information is to be given. R.S.O. 1970, c. 68, s. 21 (1); R.S.O. 1970, c. 69, s. 9; 1971, c. 50, s. 20 (6), *amended*.

## Service

**13.**—(1) Unless otherwise provided for in this Act or the regulations, any notice required to be given, delivered, filed or served under this Act or the regulations is sufficiently given, delivered, filed or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person’s last known address.

## Idem

(2) Where service is made by mail, the service shall be deemed to be made on the tenth day after the day of mailing unless the person on whom service is being made establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person’s control, receive the notice until a later date.  
*New.*

## Offences

**14.**—(1) Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;
- (b) contravenes any provision of section 9,

and every director, officer or employee of a corporation who knowingly concurs in such furnishing of false information, or contravention by the corporation, is guilty of an offence and on summary conviction by the court is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein. R.S.O. 1970, c. 68, s. 20, *amended*. Corporations

**15.** The following are repealed:

Repeals

1. *The Children's Mental Health Centres Act*, being chapter 68 of the Revised Statutes of Ontario, 1970.
2. Section 20 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
3. Subsections 1, 2 and 5 of section 1 of *The Children's Services Transfer Act, 1977*, being chapter 22.
4. *The Children's Mental Hospitals Act*, being chapter 69 of the Revised Statutes of Ontario, 1970.

**16.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment

**17.** The short title of this Act is *The Children's Mental Health Services Act, 1978*. Short title



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An Act to revise  
The Children's Mental Health Centres Act

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*1st Reading*

June 8th, 1978

*2nd Reading*

June 20th, 1978

*3rd Reading*

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THE HON. KEITH C. NORTON  
Minister of Community and  
Social Services,

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(Reprinted as amended by the  
*Social Development Committee*)

3  
F BILL 115

356  
2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to revise  
The Children's Mental Health Centres Act**

THE HON. KEITH C. NORTON  
Minister of Community and Social Services

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 115

1978

## An Act to revise The Children's Mental Health Centres Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

- (a) "approved children's mental health centre" means a children's mental health centre approved under section 6;
- (b) "approved corporation" means a corporation approved under section 5;
- (c) "children's mental health centre" means all or any part of a building or buildings maintained and operated to provide services for children suffering from mental, emotional or psychiatric disorders or any combination thereof;
- (d) "Director" means an employee of the Ministry appointed by the Minister as a director for all or any of the purposes of this Act;
- (e) "Minister" means the Minister of Community and Social Services;
- (f) "Ministry" means the Ministry of Community and Social Services;
- (g) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 68, s. 1; R.S.O. 1970, c. 69, s. 1; 1972, c. 1, s. 1, *amended*.

2.—(1) The Minister may appoint one or more persons <sup>Appointment  
of Director</sup> to act as a Director.



Duties of Director	(2) A Director shall perform the duties imposed and may exercise the powers conferred upon a Director by this Act or the regulations or by any other Act or regulation thereunder.
Acting Director	(3) Where a Director is absent or there is a vacancy in the office of a Director, the powers and duties of the Director shall be exercised and performed by such employee of the Ministry as the Minister designates. <i>New.</i>
Centres established by Minister	<b>3.</b> The Minister, with the approval of the Lieutenant Governor in Council, may establish, operate and maintain one or more children's mental health centres. R.S.O. 1970, c. 68, s. 3; R.S.O. 1970, c. 69, s. 2 (1), <i>amended.</i>
Existing hospitals to continue	<b>4.</b> —(1) Subject to this Act and the regulations, a hospital established under section 2 of <i>The Children's Mental Hospitals Act</i> , being chapter 69 of the Revised Statutes of Ontario, 1970 or designated under the regulations made under that Act before this Act comes into force, shall be deemed to continue as a children's mental health centre under section 3 of this Act until the establishment or designation is revoked by the Lieutenant Governor in Council.
Board of governors to continue	(2) Subject to this Act and the regulations, a board of governors appointed under section 4 of <i>The Children's Mental Hospitals Act</i> , being chapter 69 of the Revised Statutes of Ontario, 1970 before this Act comes into force, shall be deemed to continue as a board under this Act as if section 4 of <i>The Children's Mental Hospitals Act</i> were in force, until the appointment of the board is revoked by the Lieutenant Governor in Council.
Children's mental health centres to continue	(3) Subject to this Act and the regulations, a children's mental health centre designated as such by the regulations under <i>The Children's Mental Health Centres Act</i> , being chapter 68 of the Revised Statutes of Ontario, 1970 before this Act comes into force, shall be deemed to be an approved children's mental health centre until the approval is suspended or revoked.
Corporations to continue	(4) Subject to this Act and the regulations, a corporation that operates a children's mental health centre designated as such by the regulations under <i>The Children's Mental Health Centres Act</i> , being chapter 68 of the Revised Statutes of Ontario, 1970 before this Act comes into force, shall be deemed to be an approved corporation until the approval is suspended or revoked. <i>New.</i>
Approval of corporations	<b>5.</b> —(1) Where the Minister is satisfied that any corporation is, with financial assistance under this Act and the regu-

lations, financially capable of establishing, maintaining and operating a children's mental health centre and that its affairs are carried on under competent management in good faith, the Minister may approve the corporation for the purposes of this Act and the regulations.

(2) Where the Minister intends to approve a corporation under subsection 1, the Minister may enter into an agreement with the corporation for the establishment of a children's mental health centre upon such terms and conditions as may be agreed and may direct payment of expenditures as are necessary for the purpose. *New.*

Funding of corporations

**6.**—(1) Where the Minister is satisfied that all or any part of a building or buildings is suitable for providing services as a children's mental health centre in accordance with this Act and the regulations and that there is a need for a children's mental health centre in the area served or to be served by the centre, the Minister may approve all or any part of the building or buildings, as the case may be, as a children's mental health centre and assistance may be given under this Act and the regulations for the maintenance and operation of the children's mental health centre.

Approval of buildings

(2) An approval given under subsection 1 or under section 5 may take effect on any date fixed by the Minister that is prior to the date on which the approval is given, but in no case shall the date upon which the approval under subsection 1 takes effect precede the date on which the approval given under section 5 to the corporation maintaining and operating the children's mental health centre takes effect. *New.*

Effective date of approval

**7.**—(1) Subject to this section, any approval given under section 5 or 6 may be suspended or revoked by the Minister where,

Suspension and revocation of approvals

- (a) any director, officer or employee of the approved corporation has contravened or knowingly permitted any person under the control and direction of the director, officer or employee, as the case may be, to contravene any provision of this Act or the regulations; or
- (b) the approval would be refused if application were being made for it in the first instance.

(2) Subject to subsection 10, where the Minister proposes to suspend or revoke an approval given under section 5 or 6,

Notice of proposal to suspend or revoke

the Minister shall, except where the approval is suspended or revoked with the consent of the approved corporation, serve notice of the Minister's proposal to suspend or revoke the approval, together with written reasons therefor, on the approved corporation.

Notice  
requiring  
hearing

(3) A notice under subsection 2 shall inform the approved corporation that it is entitled to a hearing under this section if the corporation mails or delivers, within fifteen days after the notice under subsection 2 is served on it, notice in writing, to the Minister requiring a hearing and the corporation may so require a hearing.

Powers of  
Minister  
where no  
hearing

(4) Where the approved corporation does not require a hearing under this section in accordance with subsection 5, the Minister may carry out the proposal stated in the Minister's notice under subsection 2 without a hearing.

Hearing

(5) Where the approved corporation requires a hearing under subsection 3, the Minister shall cause a hearing to be held to determine whether the approval should be suspended or revoked.

Idem

(6) Where the Minister causes a hearing to be held, the hearing shall be held by a person or persons appointed by the Minister other than a person or persons in the employment of the Ministry.

Application  
of 1971,  
c. 47

(7) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section.

Report to  
Minister

(8) The person or persons holding a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out,

(a) the findings of fact and any information or knowledge used by the person or persons in making any recommendations, any conclusions of law arrived at relevant to the recommendations; and

(b) the recommendations of the person or persons as to the suspension or revocation of the approval,

and shall send a copy of the report to the persons affected by the report.

Decision of  
Minister

(9) After considering a report made under this section, the Minister may suspend or revoke the approval to which the report relates and shall give notice of the Minister's

decision to the persons affected, specifying the reasons therefor.

(10) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, a threat to the health, safety or welfare of the children in the children's mental health centre and the Minister so states in such notice giving reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 9 apply. *New.* Provisional suspension of approval

**8.** In determining need for the purposes of sections 6 and 7, the Minister shall take into account in addition to all other relevant considerations, Determination of need

- (a) the services for children provided in approved children's mental health centres that exist;
- (b) the services for children that are available other than in approved children's mental health centres;
- (c) the number of children requiring the services of children's mental health centres;
- (d) the predictable continuing demand for children's mental health centres,

in the area, or in the area and any other area served or to be served by the children's mental health centre,

- (e) the relative priority of the program of the children's mental health centre in relation to all other programs for children funded by the Ministry;
- (f) the funds available to provide continuing services for children in approved children's mental health centres; and
- (g) the place or places of residence of the children served or to be served by the children's mental health centre. *New.*

**9.—(1)** The Minister may designate in writing any person to be a program adviser with such powers and duties for the purposes of this Act and the regulations and subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the designation. Program adviser



Remuneration and expenses

(2) The remuneration and expenses of any person appointed under subsection 1 who is not in the employ of the public service of Ontario shall be fixed by the Minister and shall be paid out of the moneys appropriated therefor by the Legislature.

Powers of program advisers

(3) A program adviser may at all reasonable times and, upon producing proper identification,

(a) enter any children's mental health centre and inspect the facilities, the services provided and the books of account and other records therein; and

(b) inspect the books of account and other records of an approved corporation that pertain to a children's mental health centre. R.S.O. 1970, c. 68, s. 17 (1, 2).

Access for inspections

(4) Every person when requested so to do by a program adviser shall permit the entry and inspection by the program adviser of the premises referred to in subsection 3 and shall produce and permit inspection of the books of account and other records therein and supply extracts therefrom.

Obstructing inspection

(5) No person shall hinder or obstruct a program adviser in the performance of the program adviser's duties or refuse to permit the program adviser to carry out such duties or refuse to furnish the program adviser with information or furnish the program adviser with false information. *New.*

By-laws

**10.** The by-laws of every approved corporation shall contain such provisions regarding the formation and composition of the board of directors of the approved corporation as the regulations prescribe and a certified copy of the by-laws and any amendments thereto shall be filed with a Director forthwith after they are made. *New.*

Purchase of services

**11.** The Minister may, by written agreement or otherwise and upon such terms and conditions as may be agreed, purchase from any person, services for or on behalf of children suffering from mental, emotional or psychiatric disorders or any combination thereof and may direct payment of expenditures as are necessary for the purpose. *New.*

Regulations

**12.** The Lieutenant Governor in Council may make regulations governing the management, operation and use of approved children's mental health centres and classes thereof, and, without limiting the generality of the foregoing, may make regulations,

(a) governing the admission of persons to and their discharge from approved children's mental health

centres, prescribing the conditions of eligibility and procedures for such admission and discharge;

(b) exempting designated,

(i) approved corporations, or

(ii) approved children's mental health centres,

or any class thereof from specified provisions of this Act or the regulations for such period or periods of time as the regulations prescribe;

(c) governing the accommodation, facilities, equipment and services to be provided in approved children's mental health centres or any class thereof;

(d) prescribing the qualifications of persons employed in approved children's mental health centres or any class thereof and prescribing the powers and duties of such persons;

(e) governing the establishment, location and construction of approved children's mental health centres or any class thereof and their alteration and renovation;

(f) prescribing the classes of payments by way of provincial aid to any approved corporation, or approved children's mental health centre or class thereof and the methods of determining the amounts of payments and providing for the manner and time of payment and the terms and conditions for the payment thereof and the suspension and withholding of payments and for the making of deductions from payments;

(g) prescribing additional powers and duties of program advisers;

(h) prescribing provisions to be included in the by-laws of approved corporations;

(i) prescribing the accounts and records to be kept, claims, returns and reports to be made and requiring budgets to be submitted by approved children's mental health centres and approved corporations;

(j) prescribing forms and providing for their use;

- (*k*) for the purposes of this Act and the regulations, defining “services” and “facilities” and prescribing classes of services and facilities;
- (*l*) establishing procedures by which a determination may be made by a person or persons of services that shall be provided in exceptional cases by an approved children’s mental health centre or any class thereof and prescribing the person or persons who shall make such determination and what constitutes exceptional cases;
- (*m*) prescribing programs to be provided in an approved children’s mental health centre or any class thereof;
- (*n*) prescribing additional powers and duties of a Director;
- (*o*) requiring approved corporations and approved children’s mental health centres to provide such information as is prescribed and prescribing the persons to whom such information is to be given. R.S.O. 1970, c. 68, s. 21 (1); R.S.O. 1970, c. 69, s. 9; 1971, c. 50, s. 20 (6), *amended*.

Service

**13.**—(1) Unless otherwise provided for in this Act or the regulations, any notice required to be given, delivered, filed or served under this Act or the regulations is sufficiently given, delivered, filed or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person’s last known address.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the tenth day after the day of mailing unless the person on whom service is being made establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person’s control, receive the notice until a later date. *New*.

Offences

**14.**—(1) Every person who,

- (*a*) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;
- (*b*) contravenes any provision of section 9,

and every director, officer or employee of a corporation who knowingly concurs in such furnishing of false information, or contravention by the corporation, is guilty of an offence and on summary conviction by the court is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein. R.S.O. 1970, c. 68, s. 20, *amended*. Corporations

**15.** The following are repealed:

Repeals

1. *The Children's Mental Health Centres Act*, being chapter 68 of the Revised Statutes of Ontario, 1970.
2. Section 20 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
3. Subsections 1, 2 and 5 of section 1 of *The Children's Services Transfer Act, 1977*, being chapter 22.
4. *The Children's Mental Hospitals Act*, being chapter 69 of the Revised Statutes of Ontario, 1970.

**16.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment

**17.** The short title of this Act is *The Children's Mental Health Services Act, 1978*. Short title



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An Act to revise  
The Children's Mental Health Centres Act

---

*1st Reading*

June 8th, 1978

*2nd Reading*

June 20th, 1978

*3rd Reading*

November 30th, 1978

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THE HON. KEITH C. NORTON  
Minister of Community and  
Social Services,

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend  
The Unified Family Court Act, 1976**

THE HON. KEITH C. NORTON  
Minister of Community and Social Services

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

Subsection 1 of section 17 of *The Unified Family Court Act, 1976* which permits the establishment of an observation and detention home as a part of the Court is repealed to reflect the amendments made under *The Provincial Courts Act*.

BILL 116

1978

**An Act to amend  
The Unified Family Court Act, 1976**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Subsection 1 of section 17 of *The Unified Family Court Act*, <sup>s. 17 (1),  
repealed</sup> 1976, being chapter 85, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed.
- 2.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. <sup>Commence-  
ment</sup>
- 3.** The short title of this Act is *The Unified Family Court* <sup>Short title</sup> *Amendment Act, 1978.*



An Act to amend  
The Unified Family Court Act, 1976

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*1st Reading*

June 8th, 1978

*2nd Reading*

*3rd Reading*

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THE HON. KEITH C. NORTON  
Minister of Community and  
Social Services

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*(Government Bill)*

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend  
The Unified Family Court Act, 1976**

THE HON. KEITH C. NORTON  
Minister of Community and Social Services

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend  
The Unified Family Court Act, 1976

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*1st Reading*

June 8th, 1978

*2nd Reading*

June 19th, 1978

*3rd Reading*

November 30th, 1978

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THE HON. KEITH C. NORTON  
Minister of Community and  
Social Services

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

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**An Act to revise The Children's Institutions Act**

THE HON. KEITH C. NORTON  
Minister of Community and Social Services

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#### EXPLANATORY NOTE

The purpose of the Bill is to revise, up-date and extend the application of *The Children's Institutions Act*.

Some features of the Bill are as follows:

1. The Bill provides for approval of corporations and children's institutions by the Minister rather than by the Lieutenant Governor in Council and permits retroactive approval of corporations and institutions. These amendments will make the approval process consistent with the method in force or proposed for other legislation. "Need" is one of the criteria for approval. (ss. 2, 3).
2. The sections regulating use of children's institutions and procedures prior to payment of capital moneys and disposition of premises in respect of which capital payments are provided for in the regulations. (s. 4).
3. The Bill authorizes payment of capital moneys for renovation and structural alteration. The amount of capital payment to be made under the Act will be determined in accordance with the regulations. (s. 5).
4. The Bill provides for the appointment of program advisers and prescribes the powers and duties of program advisers. This section is complementary to the amendments proposed to the other statutes. (s. 7).
5. The Bill clarifies procedures for suspension and revocation of approvals of corporations and institutions for funding purposes. A provision for notice of intention to revoke an approval and to give the approved corporation an opportunity to require a hearing is also included. Authority is granted to permit the Minister to appoint more than one person to conduct a hearing. (s. 8).

BILL 117

1978

## An Act to revise The Children's Institutions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "approved children's institution" means a children's institution approved under section 3;
- (b) "approved corporation" means a corporation approved under section 2;
- (c) "child" means a person under eighteen years of age;
- (d) "children's institution" means all or any part of a building or buildings maintained and operated by an approved corporation for children and other persons requiring sheltered, specialized or group care but does not include,
  - (i) a charitable institution under *The Charitable Institutions Act*, R.S.O. 1970,  
c. 62
  - (ii) a place of safety or a receiving home within the meaning of Part II of *The Child Welfare Act, 1978*, 1978, c. ...
  - (iii) a day nursery established and operated under *The Day Nurseries Act, 1978*, 1978, c. ...
  - (iv) a children's mental health centre under *The Children's Mental Health Services Act, 1978*, 1978, c. ...
  - (v) a home for retarded persons under *The Homes for Retarded Persons Act*, R.S.O. 1970,  
c. 204

R.S.O. 1970,  
c. 270

(vi) an institution under *The Mental Hospitals Act*,

R.S.O. 1970,  
c. 361

(vii) a private hospital under *The Private Hospitals Act*,

R.S.O. 1970,  
c. 363

(viii) a sanitarium under *The Private Sanitaria Act*,

R.S.O. 1970,  
c. 378

(ix) a hospital under *The Public Hospitals Act*,

R.S.O. 1970,  
c. 422

(x) a sanatorium under *The Sanatoria for Consumptives Act*;

(e) "Minister" means the Minister of Community and Social Services;

(f) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 66, s. 1; 1971, c. 98, s. 4, Sched., par. 7; 1972, c. 1, s. 19 (3); 1972, c. 58, s. 1, *amended*.

Approval of  
corporations

R.S.O. 1970,  
c. 89

**2.** Where the Minister is satisfied that any corporation without share capital having objects of a charitable nature to which Part III of *The Corporations Act* applies or that is incorporated under a general or special Act of the Parliament of Canada is, with financial assistance under this Act, financially capable of establishing, maintaining and operating a children's institution and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the purposes of this Act. 1971, c. 50, s. 19 (1), *amended*.

Approval of  
children's  
institutions

**3.—(1)** Where the Minister is satisfied that all or any part of a building or buildings is suitable for providing accommodation as a children's institution in accordance with this Act and the regulations and that there is a need for a children's institution in the area served or to be served by the institution, the Minister may approve all or any part of the building or buildings, as the case may be, as a children's institution and assistance may be given under this Act and the regulations for the maintenance and operation of the children's institution.

Effective  
date of  
approval

(2) An approval given under subsection 1 or under section 2 may take effect on any date fixed by the Minister that is prior to the date on which the approval is given, but in no case shall the date upon which the approval under subsection 1 takes effect precede the date on which the approval given under section 2 to the corporation maintaining and operating the children's institution takes effect. 1971, c. 50, s. 19 (2), *amended*.

4. The by-laws of every approved corporation shall contain such provisions as the regulations prescribe and a certified copy of the by-laws and any amendment thereto shall be filed with the Minister forthwith after they are made. R.S.O. 1970, c. 66, s. 4, *amended*. By-laws

5.—(1) Where the Minister has approved the erection of a new building, an addition to an existing building, the purchase or other acquisition of an existing building, the structural alteration or the renovation or the furnishing and equipping of a building by an approved corporation for use in whole or in part as a children's institution, the Minister may direct payment to the approved corporation out of moneys appropriated therefor by the Legislature of an amount determined in accordance with the regulations, towards the cost of the new building, addition, acquisition, structural alteration, renovation or furnishing and equipping, as the case may be, that is applicable to the children's institution. Capital payments

(2) An amount payable to an approved corporation under this section shall be paid at the time or times and in the manner as is prescribed by the regulations. 1972, c. 58, s. 2, *part, amended*. Time and manner of payment

6. There shall be paid to every approved corporation, an amount determined in accordance with the regulations towards the cost incurred for services provided by the corporation for children and other persons or classes of persons prescribed by the regulations. 1972, c. 58, s. 3, *amended*. Payment for operating and maintenance costs

7.—(1) The Minister may designate in writing any person to be a program adviser with such powers and duties for the purposes of this Act and the regulations and subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the designation. Program adviser

(2) A program adviser may, at all reasonable times and upon producing proper identification, enter any children's institution and inspect the facilities, the services provided and the books of account and other records therein. Powers of program advisers

(3) Every person when requested so to do by a program adviser shall permit the entry and inspection by the program adviser of the premises referred to in subsection 1 and shall produce and permit inspection of the books of account and other records therein and supply extracts therefrom. Access for inspections

(4) No person shall hinder or obstruct a program adviser in the performance of the program adviser's duties or refuse Obstructing inspection



to permit the program adviser to carry out such duties or refuse to furnish the program adviser with information or furnish the program adviser with false information. R.S.O. 1970, c. 66, s. 8, *amended*.

Suspension  
and  
revocation  
of  
approvals

8.—(1) Subject to this section, any approval given under section 2 or 3 may be suspended or revoked by the Minister where,

(a) any director, officer or employee of the approved corporation has contravened or knowingly permitted any person under the control and direction of the director, officer or employee, as the case may be, to contravene any provision of this Act or the regulations; or

(b) the approval would be refused if application were being made for it in the first instance.

Notice of  
proposal  
to suspend  
or revoke

(2) Subject to subsection 10, where the Minister proposes to suspend or revoke an approval given under section 2 or 3, the Minister shall, except where the approval is suspended or revoked with the consent of the approved corporation, serve notice of the Minister's proposal to suspend or revoke the approval, together with written reasons therefor, on the approved corporation.

Notice  
requiring  
hearing

(3) A notice under subsection 2 shall inform the approved corporation that it is entitled to a hearing under this section if the corporation mails or delivers, within fifteen days after the notice under subsection 2 is served on it, notice in writing, to the Minister requiring a hearing and the corporation may so require a hearing.

Powers of  
Minister  
where no  
hearing

(4) Where the approved corporation does not require a hearing under this section in accordance with subsection 5, the Minister may carry out the proposal stated in the Minister's notice under subsection 2 without a hearing.

Hearing

(5) Where the approved corporation requires a hearing under subsection 3, the Minister shall cause a hearing to be held to determine whether the approval should be suspended or revoked.

Idem

(6) Where the Minister causes a hearing to be held, the hearing shall be held by a person or persons appointed by the Minister other than a person or persons in the employment of the Ministry.

(7) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section. Application of 1971, c. 47

(8) The person or persons holding a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out, Report to Minister

- (a) the findings of fact and any information or knowledge used by the person or persons in making any recommendations, any conclusions of law arrived at relevant to the recommendations; and
- (b) the recommendations of the person or persons as to the suspension or revocation of the approval,

and shall send a copy of the report to the persons affected by the report.

(9) After considering a report made under this section, the Minister may suspend or revoke the approval to which the report relates and shall give notice of the Minister's decision to the persons affected, specifying the reasons therefor. Decision of Minister

(10) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the public interest and the Minister so states in such notice giving reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 9 apply. 1971, c. 50, s. 19 (3); 1972, c. 1, s. 19 (3), *amended*. Provisional suspension of approval

**9.** The Lieutenant Governor in Council may make regulations, governing the management, operation and use of children's institutions or any class thereof and without limiting the generality of the foregoing may make regulations, Regulations

- (a) exempting designated approved corporations or children's institutions or any class thereof from specified provisions of this Act or the regulations for such period or periods of time as the regulations prescribe;
- (b) establishing an advisory board consisting of not more than three persons and prescribing its duties;
- (c) governing the accommodation, facilities, equipment and services to be provided in children's institutions;

- (d) governing the establishment, management, operation, location and construction of children's institutions or any class thereof and their alteration and renovation;
- (e) governing the admission of persons to and their discharge from approved children's institutions, prescribing the conditions of eligibility and procedures for such admission and discharge;
- (f) prescribing the qualifications of persons employed in children's institutions or any class thereof and prescribing the powers and duties of such persons;
- (g) requiring and prescribing medical and other related or ancillary services for the care and treatment of children and other persons in children's institutions or in any class thereof;
- (h) governing applications by approved corporations for payments under this Act and prescribing the method, time, manner and the terms and conditions for the payment thereof and providing for the suspension and withholding of payments and for the making of deductions from payments;
- (i) defining criteria that shall be used by the Minister in determining need under subsection 1 of section 3;
- (j) prescribing classes of persons other than children for whom payment shall be made under section 6;
- (k) prescribing the manner of computing the costs for the purposes of sections 5 and 6 and prescribing classes of payment for the purposes of those sections and determining the amount of any such payment;
- (l) requiring approved corporations and approved children's institutions to provide such information as is prescribed and prescribing the persons to whom such information is to be given;
- (m) prescribing the accounts and records to be kept by approved corporations and children's institutions, the claims, returns and reports to be made and budgets to be submitted to the Minister by approved corporations and the method, time and manner in which such claims, returns and reports shall be made;

- (n) providing for the recovery by an approved corporation or Ontario from the person or persons in whose charge a child is or from the estate of such person or persons of any amount paid by the corporation or by Ontario to the corporation for the cost of the care and maintenance of the child in a children's institution and prescribing the circumstances and the manner in which any such recovery may be made;
- (o) prescribing additional powers and duties of program advisers;
- (p) prescribing forms and providing for their use;
- (q) establishing procedures by which a determination may be made by a person or persons of services that shall be provided in exceptional cases by a children's institution or any class thereof and prescribing the person or persons who shall make such determination and what constitutes exceptional cases;
- (r) providing for the recovery of payments made to approved corporations under this Act and the regulations. R.S.O. 1970, c. 66, s. 10; 1971, c. 50, s. 19 (4); 1972, c. 58, s. 4, *amended*.

**10.**—(1) Unless otherwise provided for in this Act or the regulations, any notice required to be given, delivered, filed or served under this Act or the regulations is sufficiently given, delivered, filed or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person's last known address. Service

(2) Where service is made by mail, the service shall be deemed to be made on the tenth day after the day of mailing unless the person on whom service is being made establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice or order until a later date. Idem  
*New.*

**11.** Every person who, Offences

- (a) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;



(b) contravenes any provision of section 4 or 7,

and every director, officer or employee of a corporation who knowingly concurs in such furnishing of false information, or contravention by the corporation, is guilty of an offence and on summary conviction by the court is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both.

Repeals

**12.** The following are repealed:

1. *The Children's Institutions Act*, being chapter 66 of the Revised Statutes of Ontario, 1970.
2. *The Children's Institutions Amendment Act, 1972*, being chapter 58.
3. Section 19 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
4. Paragraph 7 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98.

Commence-  
ment

**13.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**14.** The short title of this Act is *The Children's Institutions Act, 1978*.



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An Act to revise  
The Children's Institutions Act

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*1st Reading*

June 8th, 1978

*2nd Reading*

*3rd Reading*

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THE HON. KEITH C. NORTON  
Minister of Community and  
Social Services

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*(Government Bill)*

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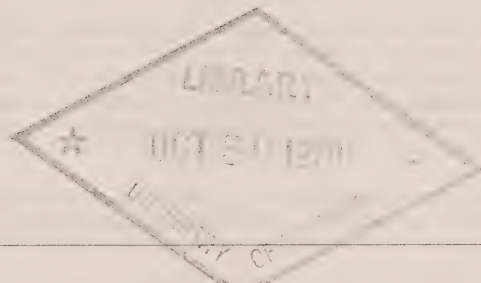
Publications

**BILL 117**

**Government Bill**

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to revise The Children's Institutions Act**



THE HON. KEITH C. NORTON  
Minister of Community and Social Services

*(Reprinted as amended by the Social Development Committee)*

#### EXPLANATORY NOTE

The purpose of the Bill is to revise, up-date and extend the application of *The Children's Institutions Act*.

Some features of the Bill are as follows :

1. The Bill provides for approval of corporations and children's institutions by the Minister rather than by the Lieutenant Governor in Council and permits retroactive approval of corporations and institutions. These amendments will make the approval process consistent with the method in force or proposed for other legislation. "Need" is one of the criteria for approval. (ss. 2, 3).
2. The sections regulating use of children's institutions and procedures prior to payment of capital moneys and disposition of premises in respect of which capital payments are provided for in the regulations. (s. 4).
3. The Bill authorizes payment of capital moneys for renovation and structural alteration. The amount of capital payment to be made under the Act will be determined in accordance with the regulations. (s. 5).
4. The Bill provides for the appointment of program advisers and prescribes the powers and duties of program advisers. This section is complementary to the amendments proposed to the other statutes. (s. 7).
5. The Bill clarifies procedures for suspension and revocation of approvals of corporations and institutions for funding purposes. A provision for notice of intention to revoke an approval and to give the approved corporation an opportunity to require a hearing is also included. Authority is granted to permit the Minister to appoint more than one person to conduct a hearing. (s. 8).



BILL 117

1978

## An Act to revise The Children's Institutions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
tation

- (a) "approved children's institution" means a children's institution approved under section 3;
- (b) "approved corporation" means a corporation approved under section 2;
- (c) "child" means a person under eighteen years of age;
- (d) "children's institution" means all or any part of a building or buildings maintained and operated by an approved corporation for children and other persons requiring sheltered, specialized or group care but does not include,
  - (i) a charitable institution under *The Charitable Institutions Act*, R.S.O. 1970,  
c. 62
  - (ii) a place of safety or a receiving home within the meaning of Part II of *The Child Welfare Act*, 1978, 1978, c. ...
  - (iii) a day nursery established and operated under *The Day Nurseries Act*, 1978, 1978, c. ...
  - (iv) a children's mental health centre under *The Children's Mental Health Services Act*, 1978, 1978, c. ...
  - (v) a home for retarded persons under *The Homes for Retarded Persons Act*, R.S.O. 1970,  
c. 204

R.S.O. 1970,  
c. 270

(vi) an institution under *The Mental Hospitals Act*,

R.S.O. 1970,  
c. 361

(vii) a private hospital under *The Private Hospitals Act*,

R.S.O. 1970,  
c. 363

(viii) a sanitarium under *The Private Sanitaria Act*,

R.S.O. 1970,  
c. 378

(ix) a hospital under *The Public Hospitals Act*,

R.S.O. 1970,  
c. 422

(x) a sanatorium under *The Sanatoria for Consumptives Act*;

(e) "Minister" means the Minister of Community and Social Services;

(f) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 66, s. 1; 1971, c. 98, s. 4, Sched., par. 7; 1972, c. 1, s. 19 (3); 1972, c. 58, s. 1, *amended*.

Approval of  
corporations

R.S.O. 1970,  
c. 89

2.—(1) Where the Minister is satisfied that any corporation without share capital having objects of a charitable nature to which Part III of *The Corporations Act* applies or that is incorporated under a general or special Act of the Parliament of Canada is, with financial assistance under this Act and the regulations, financially capable of establishing, maintaining and operating a children's institution and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the purposes of this Act and the regulations. 1971, c. 50, s. 19 (1), *amended*.

Funding of  
corporations

(2) Where the Minister intends to approve a corporation under subsection 1, the Minister may enter into an agreement with the corporation for the establishment of a children's institution upon such terms and conditions as may be agreed and may direct payment of expenditures as are necessary for the purpose. *New*.

Approval of  
children's  
institutions

3.—(1) Where the Minister is satisfied that all or any part of a building or buildings is suitable for providing accommodation as a children's institution in accordance with this Act and the regulations and that there is a need for a children's institution in the area served or to be served by the institution, the Minister may approve all or any part of the building or buildings, as the case may be, as a children's institution and assistance may be given under this Act and the regulations for the maintenance and operation of the children's institution.

(2) An approval given under subsection 1 or under section 2 may take effect on any date fixed by the Minister that is prior to the date on which the approval is given, but in no case shall the date upon which the approval under subsection 1 takes effect precede the date on which the approval given under section 2 to the corporation maintaining and operating the children's institution takes effect. 1971, c. 50, s. 19 (2), *amended*. Effective date of approval

4. The by-laws of every approved corporation shall contain such provisions as the regulations prescribe and a certified copy of the by-laws and any amendment thereto shall be filed with the Minister forthwith after they are made. R.S.O. 1970, c. 66, s. 4, *amended*. By-laws

5.—(1) Where the Minister has approved the erection of a new building, an addition to an existing building, the purchase or other acquisition of an existing building, the structural alteration or the renovation or the furnishing and equipping of a building by an approved corporation for use in whole or in part as a children's institution, the Minister may direct payment to the approved corporation out of moneys appropriated therefor by the Legislature of an amount determined in accordance with the regulations, towards the cost of the new building, addition, acquisition, structural alteration, renovation or furnishing and equipping, as the case may be, that is applicable to the children's institution. Capital payments

(2) An amount payable to an approved corporation under this section shall be paid at the time or times and in the manner as is prescribed by the regulations. 1972, c. 58, s. 2, *part, amended*. Time and manner of payment

6. There shall be paid to every approved corporation, an amount determined in accordance with the regulations towards the cost incurred for services provided by the corporation for children and other persons or classes of persons prescribed by the regulations. 1972, c. 58, s. 3, *amended*. Payment for operating and maintenance costs

7.—(1) The Minister may designate in writing any person to be a program adviser with such powers and duties for the purposes of this Act and the regulations and subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the designation. Program adviser

(2) The remuneration and expenses of any person appointed under subsection 1 who is not in the employ of the public service of Ontario shall be fixed by the Minister and shall Remuneration and expenses

be paid out of the moneys appropriated therefor by the Legislature.

Powers of  
program  
advisers

(3) A program adviser may, at all reasonable times and upon producing proper identification, enter any children's institution and inspect the facilities, the services provided and the books of account and other records therein.

Access for  
inspections

(4) Every person when requested so to do by a program adviser shall permit the entry and inspection by the program adviser of the premises referred to in subsection 3 and shall produce and permit inspection of the books of account and other records therein and supply extracts therefrom.

Obstruct-  
ing  
inspection

(5) No person shall hinder or obstruct a program adviser in the performance of the program adviser's duties or refuse to permit the program adviser to carry out such duties or refuse to furnish the program adviser with information or furnish the program adviser with false information. R.S.O. 1970, c. 66, s. 8, *amended*.

Suspension  
and  
revocation  
of  
approvals

**8.—**(1) Subject to this section, any approval given under section 2 or 3 may be suspended or revoked by the Minister where,

(a) any director, officer or employee of the approved corporation has contravened or knowingly permitted any person under the control and direction of the director, officer or employee, as the case may be, to contravene any provision of this Act or the regulations; or

(b) the approval would be refused if application were being made for it in the first instance.

Notice of  
proposal  
to suspend  
or revoke

(2) Subject to subsection 10, where the Minister proposes to suspend or revoke an approval given under section 2 or 3, the Minister shall, except where the approval is suspended or revoked with the consent of the approved corporation, serve notice of the Minister's proposal to suspend or revoke the approval, together with written reasons therefor, on the approved corporation.

Notice  
requiring  
hearing

(3) A notice under subsection 2 shall inform the approved corporation that it is entitled to a hearing under this section if the corporation mails or delivers, within fifteen days after the notice under subsection 2 is served on it, notice in writing, to the Minister requiring a hearing and the corporation may so require a hearing.



(4) Where the approved corporation does not require a hearing under this section in accordance with subsection 5, the Minister may carry out the proposal stated in the Minister's notice under subsection 2 without a hearing. Powers of Minister where no hearing

(5) Where the approved corporation requires a hearing under subsection 3, the Minister shall cause a hearing to be held to determine whether the approval should be suspended or revoked. Hearing

(6) Where the Minister causes a hearing to be held, the hearing shall be held by a person or persons appointed by the Minister other than a person or persons in the employment of the Ministry. Idem

(7) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section. Application of 1971, c. 47

(8) The person or persons holding a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out, Report to Minister

- (a) the findings of fact and any information or knowledge used by the person or persons in making any recommendations, any conclusions of law arrived at relevant to the recommendations; and
- (b) the recommendations of the person or persons as to the suspension or revocation of the approval,

and shall send a copy of the report to the persons affected by the report.

(9) After considering a report made under this section, the Minister may suspend or revoke the approval to which the report relates and shall give notice of the Minister's decision to the persons affected, specifying the reasons therefor. Decision of Minister

(10) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the public interest and the Minister so states in such notice giving reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 9 apply. 1971, c. 50, s. 19 (3); 1972, c. 1, s. 19 (3), *amended*. Provisional suspension of approval



Determina-  
tion of  
need

**9.** In determining need for the purposes of sections 3 and 8, the Minister shall take into account in addition to all other relevant considerations,

- (a) the services for children provided in approved children's institutions that exist;
- (b) the services for children that are available other than in approved children's institutions;
- (c) the number of children requiring the services of children's institutions;
- (d) the predictable continuing demand for children's institutions,

in the area, or in the area and any other area served or to be served by the children's institution,

- (e) the relative priority of the program of the children's institution in relation to all other programs for children funded by the Ministry;
- (f) the funds available to provide continuing services for children in approved children's institutions; and
- (g) the place or places of residence of the children served or to be served by the children's institutions. *New.*

Regulations

**10.** The Lieutenant Governor in Council may make regulations, governing the management, operation and use of approved children's institutions or any class thereof and without limiting the generality of the foregoing may make regulations,

- (a) exempting designated approved corporations or approved children's institutions or any class thereof from specified provisions of this Act or the regulations for such period or periods of time as the regulations prescribe;
- (b) establishing an advisory board consisting of not more than three persons and prescribing its duties;
- (c) governing the accommodation, facilities, equipment and services to be provided in approved children's institutions;

- (d) governing the establishment, management, operation, location and construction of approved children's institutions or any class thereof and their alteration and renovation;
- (e) governing the admission of persons to and their discharge from approved children's institutions, prescribing the conditions of eligibility and procedures for such admission and discharge;
- (f) prescribing the qualifications of persons employed in approved children's institutions or any class thereof and prescribing the powers and duties of such persons;
- (g) requiring and prescribing medical and other related or ancillary services for the care and treatment of children and other persons in approved children's institutions or in any class thereof;
- (h) governing applications by approved corporations for payments under this Act and prescribing the method, time, manner and the terms and conditions for the payment thereof and providing for the suspension and withholding of payments and for the making of deductions from payments;
- (i) defining criteria that shall be used by the Minister in determining need under subsection 1 of section 3;
- (j) prescribing classes of persons other than children for whom payment shall be made under section 6;
- (k) prescribing the manner of computing the costs for the purposes of sections 5 and 6 and prescribing classes of payment for the purposes of those sections and determining the amount of any such payment;
- (l) requiring approved corporations and approved children's institutions to provide such information as is prescribed and prescribing the persons to whom such information is to be given;
- (m) prescribing the accounts and records to be kept by approved corporations and approved children's institutions, the claims, returns and reports to be made and budgets to be submitted to the Minister by approved corporations and the method, time and manner in which such claims, returns and reports shall be made;

- (n) providing for the recovery by an approved corporation or Ontario from the person or persons in whose charge a child is or from the estate of such person or persons of any amount paid by the corporation or by Ontario to the corporation for the cost of the care and maintenance of the child in an approved children's institution and prescribing the circumstances and the manner in which any such recovery may be made;
- (o) prescribing additional powers and duties of program advisers;
- (p) prescribing forms and providing for their use;
- (q) establishing procedures by which a determination may be made by a person or persons of services that shall be provided in exceptional cases by an approved children's institution or any class thereof and prescribing the person or persons who shall make such determination and what constitutes exceptional cases;
- (r) providing for the recovery of payments made to approved corporations under this Act and the regulations. R.S.O. 1970, c. 66, s. 10; 1971, c. 50, s. 19 (4); 1972, c. 58, s. 4, *amended*.

## Service

**11.**—(1) Unless otherwise provided for in this Act or the regulations, any notice required to be given, delivered, filed or served under this Act or the regulations is sufficiently given, delivered, filed or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person's last known address.

## Idem

(2) Where service is made by mail, the service shall be deemed to be made on the tenth day after the day of mailing unless the person on whom service is being made establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice or order until a later date. *New.*

## Offences

**12.** Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;

(b) contravenes any provision of section 7,

and every director, officer or employee of a corporation who knowingly concurs in such furnishing of false information, or contravention by the corporation, is guilty of an offence and on summary conviction by the court is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both.

**13.** The following are repealed:

Repeals

1. *The Children's Institutions Act*, being chapter 66 of the Revised Statutes of Ontario, 1970.
2. *The Children's Institutions Amendment Act, 1972*, being chapter 58.
3. Section 19 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
4. Paragraph 7 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98.

**14.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-  
ment

**15.** The short title of this Act is *The Children's Institutions Act, 1978*.

Short title

An Act to revise  
The Children's Institutions Act

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*1st Reading*

June 8th, 1978

*2nd Reading*

June 20th, 1978

*3rd Reading*

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THE HON. KEITH C. NORTON  
Minister of Community and  
Social Services

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(Reprinted as amended by the  
*Social Development Committee*)



2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978  
Bill 117

**An Act to revise The Children's Institutions Act**

THE HON. KEITH C. NORTON  
Minister of Community and Social Services





BILL 117

1978

## An Act to revise The Children's Institutions Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-  
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- (a) "approved children's institution" means a children's institution approved under section 3;
- (b) "approved corporation" means a corporation approved under section 2;
- (c) "child" means a person under eighteen years of age;
- (d) "children's institution" means all or any part of a building or buildings maintained and operated by an approved corporation for children and other persons requiring sheltered, specialized or group care but does not include,
  - (i) a charitable institution under *The Charitable Institutions Act*, R.S.O. 1970,  
c. 62
  - (ii) a place of safety or a receiving home within the meaning of Part II of *The Child Welfare Act, 1978*, 1978, c. ...
  - (iii) a day nursery established and operated under *The Day Nurseries Act, 1978*, 1978, c. ...
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  - (v) a home for retarded persons under *The Homes for Retarded Persons Act*, R.S.O. 1970,  
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(vi) an institution under *The Mental Hospitals Act*,

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(ix) a hospital under *The Public Hospitals Act*,

R.S.O. 1970,  
c. 422

(x) a sanatorium under *The Sanatoria for Consumptives Act*;

(e) "Minister" means the Minister of Community and Social Services;

(f) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 66, s. 1; 1971, c. 98, s. 4, Sched., par. 7; 1972, c. 1, s. 19 (3); 1972, c. 58, s. 1, *amended*.

Approval of  
corporations

R.S.O. 1970,  
c. 89

**2.**—(1) Where the Minister is satisfied that any corporation without share capital having objects of a charitable nature to which Part III of *The Corporations Act* applies or that is incorporated under a general or special Act of the Parliament of Canada is, with financial assistance under this Act and the regulations, financially capable of establishing, maintaining and operating a children's institution and that its affairs are carried on under competent management in good faith for charitable purposes, he may approve such corporation for the purposes of this Act and the regulations. 1971, c. 50, s. 19 (1), *amended*.

Funding of  
corporations

(2) Where the Minister intends to approve a corporation under subsection 1, the Minister may enter into an agreement with the corporation for the establishment of a children's institution upon such terms and conditions as may be agreed and may direct payment of expenditures as are necessary for the purpose. *New*.

Approval of  
children's  
institutions

**3.**—(1) Where the Minister is satisfied that all or any part of a building or buildings is suitable for providing accommodation as a children's institution in accordance with this Act and the regulations and that there is a need for a children's institution in the area served or to be served by the institution, the Minister may approve all or any part of the building or buildings, as the case may be, as a children's institution and assistance may be given under this Act and the regulations for the maintenance and operation of the children's institution.

(2) An approval given under subsection 1 or under section 2 may take effect on any date fixed by the Minister <sup>Effective date of approval</sup> that is prior to the date on which the approval is given, but in no case shall the date upon which the approval under subsection 1 takes effect precede the date on which the approval given under section 2 to the corporation maintaining and operating the children's institution takes effect. 1971, c. 50, s. 19 (2), *amended*.

4. The by-laws of every approved corporation shall con- <sup>By-laws</sup>tain such provisions as the regulations prescribe and a certified copy of the by-laws and any amendment thereto shall be filed with the Minister forthwith after they are made. R.S.O. 1970, c. 66, s. 4, *amended*.

5.—(1) Where the Minister has approved the erection of <sup>Capital payments</sup> a new building, an addition to an existing building, the purchase or other acquisition of an existing building, the structural alteration or the renovation or the furnishing and equipping of a building by an approved corporation for use in whole or in part as a children's institution, the Minister may direct payment to the approved corporation out of moneys appropriated therefor by the Legislature of an amount determined in accordance with the regulations, towards the cost of the new building, addition, acquisition, structural alteration, renovation or furnishing and equipping, as the case may be, that is applicable to the children's institution.

(2) An amount payable to an approved corporation under this section shall be paid at the time or times and in the <sup>Time and manner of payment</sup> manner as is prescribed by the regulations. 1972, c. 58, s. 2, *part, amended*.

6. There shall be paid to every approved corporation, an amount determined in accordance with the regulations towards the cost incurred for services provided by the corporation for children and other persons or classes of persons <sup>Payment for operating and maintenance costs</sup> prescribed by the regulations. 1972, c. 58, s. 3, *amended*.

7.—(1) The Minister may designate in writing any person <sup>Program adviser</sup> to be a program adviser with such powers and duties for the purposes of this Act and the regulations and subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the designation.

(2) The remuneration and expenses of any person appointed <sup>Remuneration and expenses</sup> under subsection 1 who is not in the employ of the public service of Ontario shall be fixed by the Minister and shall



be paid out of the moneys appropriated therefor by the Legislature.

Powers of  
program  
advisers

(3) A program adviser may, at all reasonable times and upon producing proper identification, enter any children's institution and inspect the facilities, the services provided and the books of account and other records therein.

Access for  
inspections

(4) Every person when requested so to do by a program adviser shall permit the entry and inspection by the program adviser of the premises referred to in subsection 3 and shall produce and permit inspection of the books of account and other records therein and supply extracts therefrom.

Obstruct-  
ing  
inspection

(5) No person shall hinder or obstruct a program adviser in the performance of the program adviser's duties or refuse to permit the program adviser to carry out such duties or refuse to furnish the program adviser with information or furnish the program adviser with false information. R.S.O. 1970, c. 66, s. 8, *amended*.

Suspension  
and  
revocation  
of  
approvals

**8.—**(1) Subject to this section, any approval given under section 2 or 3 may be suspended or revoked by the Minister where,

- (a) any director, officer or employee of the approved corporation has contravened or knowingly permitted any person under the control and direction of the director, officer or employee, as the case may be, to contravene any provision of this Act or the regulations; or
- (b) the approval would be refused if application were being made for it in the first instance.

Notice of  
proposal  
to suspend  
or revoke

(2) Subject to subsection 10, where the Minister proposes to suspend or revoke an approval given under section 2 or 3, the Minister shall, except where the approval is suspended or revoked with the consent of the approved corporation, serve notice of the Minister's proposal to suspend or revoke the approval, together with written reasons therefor, on the approved corporation.

Notice  
requiring  
hearing

(3) A notice under subsection 2 shall inform the approved corporation that it is entitled to a hearing under this section if the corporation mails or delivers, within fifteen days after the notice under subsection 2 is served on it, notice in writing, to the Minister requiring a hearing and the corporation may so require a hearing.

(4) Where the approved corporation does not require a hearing under this section in accordance with subsection 5, the Minister may carry out the proposal stated in the Minister's notice under subsection 2 without a hearing. Powers of Minister where no hearing

(5) Where the approved corporation requires a hearing under subsection 3, the Minister shall cause a hearing to be held to determine whether the approval should be suspended or revoked. Hearing

(6) Where the Minister causes a hearing to be held, the hearing shall be held by a person or persons appointed by the Minister other than a person or persons in the employment of the Ministry. Idem

(7) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section. Application of 1971, c. 47

(8) The person or persons holding a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out, Report to Minister

(a) the findings of fact and any information or knowledge used by the person or persons in making any recommendations, any conclusions of law arrived at relevant to the recommendations; and

(b) the recommendations of the person or persons as to the suspension or revocation of the approval,

and shall send a copy of the report to the persons affected by the report.

(9) After considering a report made under this section, the Minister may suspend or revoke the approval to which the report relates and shall give notice of the Minister's decision to the persons affected, specifying the reasons therefor. Decision of Minister

(10) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the public interest and the Minister so states in such notice giving reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 9 apply. 1971, c. 50, s. 19 (3); 1972, c. 1, s. 19 (3), *amended*. Provisional suspension of approval

Determina-  
tion of  
need

**9.** In determining need for the purposes of sections 3 and 8, the Minister shall take into account in addition to all other relevant considerations,

- (a) the services for children provided in approved children's institutions that exist;
- (b) the services for children that are available other than in approved children's institutions;
- (c) the number of children requiring the services of children's institutions;
- (d) the predictable continuing demand for children's institutions,

in the area, or in the area and any other area served or to be served by the children's institution,

- (e) the relative priority of the program of the children's institution in relation to all other programs for children funded by the Ministry;
- (f) the funds available to provide continuing services for children in approved children's institutions; and
- (g) the place or places of residence of the children served or to be served by the children's institutions. *New.*

Regulations

**10.** The Lieutenant Governor in Council may make regulations, governing the management, operation and use of approved children's institutions or any class thereof and without limiting the generality of the foregoing may make regulations,

- (a) exempting designated approved corporations or approved children's institutions or any class thereof from specified provisions of this Act or the regulations for such period or periods of time as the regulations prescribe;
- (b) establishing an advisory board consisting of not more than three persons and prescribing its duties;
- (c) governing the accommodation, facilities, equipment and services to be provided in approved children's institutions;

- (d) governing the establishment, management, operation, location and construction of approved children's institutions or any class thereof and their alteration and renovation;
- (e) governing the admission of persons to and their discharge from approved children's institutions, prescribing the conditions of eligibility and procedures for such admission and discharge;
- (f) prescribing the qualifications of persons employed in approved children's institutions or any class thereof and prescribing the powers and duties of such persons;
- (g) requiring and prescribing medical and other related or ancillary services for the care and treatment of children and other persons in approved children's institutions or in any class thereof;
- (h) governing applications by approved corporations for payments under this Act and prescribing the method, time, manner and the terms and conditions for the payment thereof and providing for the suspension and withholding of payments and for the making of deductions from payments;
- (i) defining criteria that shall be used by the Minister in determining need under subsection 1 of section 3;
- (j) prescribing classes of persons other than children for whom payment shall be made under section 6;
- (k) prescribing the manner of computing the costs for the purposes of sections 5 and 6 and prescribing classes of payment for the purposes of those sections and determining the amount of any such payment;
- (l) requiring approved corporations and approved children's institutions to provide such information as is prescribed and prescribing the persons to whom such information is to be given;
- (m) prescribing the accounts and records to be kept by approved corporations and approved children's institutions, the claims, returns and reports to be made and budgets to be submitted to the Minister by approved corporations and the method, time and manner in which such claims, returns and reports shall be made;

- (n) providing for the recovery by an approved corporation or Ontario from the person or persons in whose charge a child is or from the estate of such person or persons of any amount paid by the corporation or by Ontario to the corporation for the cost of the care and maintenance of the child in an approved children's institution and prescribing the circumstances and the manner in which any such recovery may be made;
- (o) prescribing additional powers and duties of program advisers;
- (p) prescribing forms and providing for their use;
- (q) establishing procedures by which a determination may be made by a person or persons of services that shall be provided in exceptional cases by an approved children's institution or any class thereof and prescribing the person or persons who shall make such determination and what constitutes exceptional cases;
- (r) providing for the recovery of payments made to approved corporations under this Act and the regulations. R.S.O. 1970, c. 66, s. 10; 1971, c. 50, s. 19 (4); 1972, c. 58, s. 4, *amended*.

## Service

**11.—**(1) Unless otherwise provided for in this Act or the regulations, any notice required to be given, delivered, filed or served under this Act or the regulations is sufficiently given, delivered, filed or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person's last known address.

## Idem

(2) Where service is made by mail, the service shall be deemed to be made on the tenth day after the day of mailing unless the person on whom service is being made establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice or order until a later date. *New.*

## Offences

**12.** Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;



(b) contravenes any provision of section 7,

and every director, officer or employee of a corporation who knowingly concurs in such furnishing of false information, or contravention by the corporation, is guilty of an offence and on summary conviction by the court is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both.

**13.** The following are repealed:

Repeals

1. *The Children's Institutions Act*, being chapter 66 of the Revised Statutes of Ontario, 1970.
2. *The Children's Institutions Amendment Act, 1972*, being chapter 58.
3. Section 19 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
4. Paragraph 7 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98.

**14.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment

**15.** The short title of this Act is *The Children's Institutions Act, 1978*. Short title

An Act to revise  
The Children's Institutions Act

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*1st Reading*

June 8th, 1978

*2nd Reading*

June 20th, 1978

*3rd Reading*

November 30th, 1978

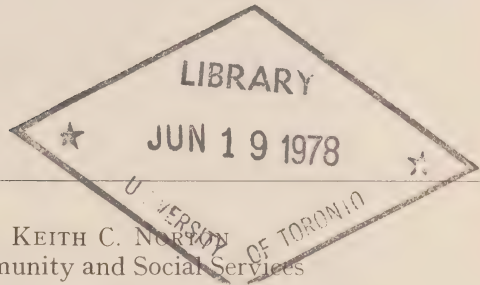
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THE HON. KEITH C. NORTON  
Minister of Community and  
Social Services

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to revise  
The Children's Boarding Homes Act**



THE HON. KEITH C. NORRIS  
Minister of Community and Social Services

## EXPLANATORY NOTE

The purpose of the Bill is to revise, update and extend the application of *The Children's Boarding Homes Act*.

Some features of the Bill are as follows:

- (1) The proposed Bill, if enacted, will become the licensing statute for residential programs for children. (Section 4).
- (2) The definition of "children's boarding home" has been replaced by a definition of "children's residence". A number of programs which are excluded from registration under the existing Act will require licensing under the new Act.

The existing requirement for registration of premises in which five or more children receive residential care has been expanded to require licensing of premises where three or more children receive residential care. Persons who provide residential care for three or more children at more than one location will also require a licence. (Section 1 (c) ).

- (3) The Children's Services Review Board will replace the Day Nursery Review Board under *The Day Nurseries Act* and the Licensing Board of Review under *The Children's Mental Health Centres Act*. The new Board will have jurisdiction to hear matters relating to issuance of licences required under this Act, *The Day Nurseries Act, 1978* and *The Child Welfare Act, 1978*. (Section 3).

The provisions for hearings of the Board and appeals therefrom are enacted without substantial change from *The Day Nurseries Act*. (Sections 10 and 11).

- (4) A provisional licence may be issued if the applicant does not meet all the requirements for issuance of a licence and requires time to do so. (Section 4).
- (5) When a licence is revoked, parents or guardians will be required to remove children from children's residences or premises where residential care is provided. (Section 12).
- (6) The Minister may during proceedings relating to issuance or revocation of licences and appeals therefrom or after revocation apply for a warrant to permit the Minister or persons authorized by the Minister to occupy the children's residence or premises where residential care is provided, pending the outcome of proceedings or when a revocation is final until alternative accommodation may be found for the children. The warrant may be issued if the court is satisfied that it is necessary for the health, safety or welfare of the children being cared for. Occupation is permitted for a period not exceeding six months and the rights of the owner of the premises, except those rights necessary to permit occupation and operation of premises beyond the expiration of any lease term, are preserved. (Section 13).
- (7) The Bill provides for the appointment of Program Advisers and prescribes the powers and duties of Program Advisers. This section is complementary to the amendments proposed to the other statutes. (Section 14).
- (8) Authority is provided for a Director to obtain an injunction to prohibit operation of a children's residence or the provision of residential care without a licence, or operation where a licence has been provisionally suspended. This section is similar to amendments proposed to other Acts. (Section 15).

BILL 118

1978

## An Act to revise The Children's Boarding Homes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means The Children's Services Review Board established under section 3;
- (b) "child" means a boy or girl actually or apparently under eighteen years of age;
- (c) "children's residence" means all or any part of a building or buildings in which three or more children not of common parentage reside away from the home of their parents or guardians primarily for the purpose of receiving residential care, and includes a foster home or any other home or institution in which three or more children not of common parentage reside and that is supervised or operated by a children's aid society under *The Child Welfare Act, 1978*, whether or not the children are Crown wards or wards of the society, but does not include,
  - (i) a house that is licensed under *The Private Hospitals Act*, R.S.O. 1970,  
c. 361
  - (ii) a day nursery within the meaning of *The Day Nurseries Act, 1978*, 1978, c.
  - (iii) a summer camp under *The Public Health Act*, R.S.O. 1970,  
c. 377
  - (iv) a home for special care under *The Homes for Special Care Act*, R.S.O. 1970,  
c. 205



1974, c. 109

- (v) part of a public school, separate school, private school or a school for trainable retarded children under *The Education Act, 1974*,
- (vi) a hostel intended for short-term accommodation, or
- (vii) a hospital that is in receipt of financial aid from the Province of Ontario;
- (d) "Director" means an employee of the Ministry appointed by the Minister as a director for all or any of the purposes of this Act;
- (e) "licence" means a licence issued under this Act;
- (f) "Minister" means the Minister of Community and Social Services;
- (g) "Ministry" means the Ministry of Community and Social Services;
- (h) "operator" means a person who has control or management of a children's residence and "operate" has a corresponding meaning;
- (i) "regulations" means the regulations made under this Act;
- (j) "residential care" means the provision of boarding or lodging, or both, and may include specialized, sheltered or group care in conjunction with the boarding or lodging, or both. 1971, c. 91, s. 1; 1972, c. 1, ss. 1, 19 (3), *amended*.

Appointment  
of Director

**2.—(1)** The Minister may appoint one or more persons to act as a Director. *New.*

Duties of  
Director

**(2)** A Director shall perform the duties imposed and may exercise the powers conferred upon a Director by this Act or the regulations or by any other Act or regulation thereunder. 1971, c. 91, s. 2, *part, amended*.

Acting  
Director

**(3)** Where a Director is absent or there is a vacancy in the office of a Director, the powers and duties of the Director shall be exercised and performed by such employee of the Ministry as the Minister designates. 1971, c. 91, s. 2, *part*; 1972, c. 1, ss. 1, 19 (3), *amended*.

**3.—**(1) The Lieutenant Governor in Council may appoint a board to be known as The Children's Services Review Board composed of such number of members as is prescribed by the regulations. Appointment of Children's Services Review Board

(2) A member of the Board may be appointed for a term not exceeding three years. Term of office

(3) Three members of the Board constitute a quorum. Quorum

(4) One of the members of the Board shall be appointed by the Lieutenant Governor in Council to be chairman of the Board and one or more other of the members of the Board may be appointed by the Lieutenant Governor in Council to be vice-chairman of the Board. Chairman and vice-chairman

(5) Each member of the Board shall be paid such *per diem* allowance as the Lieutenant Governor in Council from time to time determines and each member is entitled to the member's reasonable and necessary travelling and living expenses while attending meetings or otherwise engaged in the work of the Board. Remuneration

(6) Where, Absence, etc., of chairman

(a) the chairman of the Board is absent or is unable to act, a vice-chairman designated by the chairman; or

(b) the office of the chairman of the Board is vacant, a vice-chairman designated by the Minister,

has and shall exercise the jurisdiction and power of the chairman, including the power to complete any unfinished matter.

(7) The chairman shall from time to time assign various members of the Board to its various hearings. *New.* Assignment of members for hearings

**4.—**(1) No person shall, Licence required

(a) establish, operate or maintain a children's residence; or

(b) provide, directly or indirectly, residential care for three or more children not of common parentage in a place or places away from the home of their parents or guardians that is not a children's residence,

except under the authority of a licence issued by a Director under this Act.

Issuance  
of licence

(2) Subject to section 5, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a children's residence or to provide the residential care referred to in clause *b* of subsection 1, as the case may be, and pays the prescribed fee is entitled to be issued a licence by a Director subject to such terms and conditions as the Director may prescribe.

Idem

(3) Notwithstanding subsection 2, a licence to establish, operate or maintain a children's residence or to provide the residential care referred to in clause *b* of subsection 1, shall not be issued to a partnership or association of persons.

Renewal  
of licence

(4) Subject to section 5, a Director shall renew a licence of a children's residence or for the provision of residential care, as the case may be, on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee, and the renewal shall be subject to such terms and conditions as the Director may prescribe.

Provisional  
licence

(5) Where an applicant for a licence or a renewal of a licence does not meet all the requirements for the issuance of a licence or renewal thereof and requires time to meet such requirements, a Director may, subject to such terms and conditions as the Director may prescribe, issue a provisional licence for such period or periods as the Director considers necessary to afford the applicant an opportunity to meet the requirements.

Registration  
to continue

(6) Notwithstanding the provisions of subsection 3, and subject to this Act and the regulations, a registration to use a premises as a children's boarding home made under *The Children's Boarding Homes Act*, being chapter 65 of the Revised Statutes of Ontario, 1970, before this Act comes into force shall be deemed to continue until the expiration thereof unless sooner surrendered or revoked.

Not  
transferable

(7) A licence is not transferable.

Notice of  
change

(8) Where the licensee is a corporation, the licensee shall notify a Director in writing within fifteen days of any change in the officers or directors of the corporation. *New.*

Grounds for  
refusal

**5.—**(1) Subject to section 6, a Director may refuse to issue a licence where in the Director's opinion,

- (a) the applicant or any employee of the applicant or, where the applicant is a corporation, its officers,

directors or employees is or are not competent to establish, operate or maintain a children's residence or to provide the residential care referred to in clause *b* of subsection 1 of section 4, as the case may be, in a responsible manner in accordance with this Act and the regulations;

- (b) the past conduct of the applicant or any employee of the applicant or, where the applicant is a corporation, of its officers, directors or employees, affords reasonable grounds for belief that the children's residence will not be established, operated or maintained or the residential care provided, as the case may be, in accordance with this Act and the regulations; or
- (c) the building or buildings or accommodation in which the applicant proposes to establish, operate or maintain the children's residence or to provide the residential care referred to in clause *b* of subsection 1 of section 4, as the case may be, does not comply with the requirements of this Act and the regulations. 1971, c. 50, s. 18 (4), *part, amended*.

(2) Subject to section 6, a Director may refuse to renew <sup>Revocation or refusal to renew</sup> or may revoke a licence issued to a children's residence or for the provision of residential care, where in the Director's opinion,

- (a) the licensee or any employee of the licensee, or where the licensee is a corporation, any officer, director or employee thereof, has contravened or has knowingly permitted any person under the control or direction of or associated with the licensee, officer, director or employee, as the case may be, to contravene,
  - (i) any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the establishing, operating or maintaining of the children's residence or the providing of residential care, as the case may be, or
  - (ii) any term or condition of the licence;
- (b) the building or buildings or accommodation in which the children's residence is established, operated or maintained or the residential care is provided, does not comply with the requirements of this Act and the regulations;

- (c) the children's residence is established, operated or maintained or the residential care is provided in a manner that is prejudicial to the health, safety or welfare of the children cared for in the children's residence or place or places where the residential care is provided;
- (d) any person has made a false statement in the application for the licence or renewal thereof, or in any report, document or other information required to be furnished by this Act or the regulations or by any other Act or regulation that applies to the children's residence or the provision of residential care, as the case may be; or
- (e) a change in the officers or directors of the applicant would, if the applicant were applying for the licence in the first instance, afford grounds for refusing to issue a licence under clause *b* of subsection 1. 1971, c. 50, s. 18 (4), *part, amended*.

Notice of  
proposal  
to refuse  
to issue  
or to revoke

**6.**—(1) Where a Director proposes under section 5 to refuse to issue a licence or to refuse to renew or revoke a licence issued under that section, the Director shall cause notice to be served of the Director's proposal, together with written reasons therefor, on the applicant or the licensee, as the case may be.

Notice  
requiring  
hearing

(2) A notice under subsection 1 shall inform the applicant or licensee, as the case may be, that the applicant or licensee is entitled to a hearing by the Board if the applicant or licensee mails or delivers, within fifteen days after the notice is served on the applicant or licensee, notice in writing to the Director and to the Board, requiring a hearing and the applicant or licensee, as the case may be, may so require such a hearing.

Powers of  
Director  
where no  
hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in the Director's notice under subsection 1 without a hearing.

Powers of  
Board  
where  
hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, at the hearing, may by order direct the Director to carry out the Director's proposal or refrain from carrying out the Director's proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and, for such purposes, the Board may sub-



stitute its opinion for that of the Director. 1971, c. 50, s. 18 (4), *part, amended*.

7.—(1) Where a licensee is dissatisfied with the terms and conditions prescribed by a Director under subsection 2, 4 or 5 of section 4, the licensee may, within 15 days after the licence is received by the licensee, by written notice given to the Director and the Board, require a hearing by the Board and the Board shall appoint a time for and hold a hearing. Review of terms of licence by Board

(2) The Board, pursuant to a hearing under subsection 1, may affirm the terms and conditions prescribed for the licence by a Director under subsection 2, 4 or 5 of section 4 or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in lieu of those prescribed by the Director as it considers proper. Decision of Board

(3) For the purposes of subsection 1, a licence shall be deemed to be received by a licensee on the tenth day after the day of mailing of the licence unless the person to whom the licence is issued establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the licence until a later date. *New.* Receipt of licence

8.—(1) The Board may extend the time for requiring a hearing under section 6 or 7, either before or after expiration of the time fixed in section 6 or 7, as the case may be, where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as it considers proper consequent upon the extension. Extension of time for requiring hearing

(2) Subject to section 9, where, within the time prescribed therefor or, if no time is prescribed, before expiration of a licence, a licensee who has applied for renewal of a licence and paid the prescribed fee, the licence shall be deemed to continue, Continuation of licence pending renewal

(a) until the renewal is granted; or

(b) where the licensee is served with notice that the Director proposes to refuse to grant the renewal, until the time for requiring a hearing has expired and, where a hearing is required, until the Board has made its decision. 1971, c. 50, s. 18 (4), *part, amended*.

Provisional  
suspension,  
etc.

9. Notwithstanding section 6, a Director may, by causing notice to be served on a licensee and without a hearing, provisionally suspend the licence of the licensee where in the opinion of the Director the operation of the children's residence or the provision of residential care is an immediate threat to the health, safety or welfare of the children cared for in the children's residence or the place or places where residential care is provided, as the case may be, and the Director so states in such notice giving reasons therefor, and, upon suspension, the provisions of section 6 apply as if the notice given under this section were a notice of a proposal under subsection 1 of section 6 to revoke the licence. 1971, c. 50, s. 18 (4), *part, amended*.

Parties

10.—(1) The Director referred to in section 6 or 9, as the case may be, the applicant or licensee who has applied for the hearing and such other persons as may be specified by the Board are parties to proceedings before a Board under this Act.

Members  
holding  
hearing  
not to have  
taken part  
in investi-  
gation, etc.

(2) A member of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate, directly or indirectly, in relation to the subject-matter of the hearing with any person or with any party or the parties' representative except upon notice to and giving opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Examina-  
tion of  
docu-  
mentary  
evidence

(3) An applicant or licensee who is a party to proceedings under section 6 or 7 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced, or any report the contents of which will be given in evidence at the hearing.

Recording  
of  
evidence

(4) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Divisional Court.

Findings  
of fact

1971, c. 47

(5) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Only  
members  
at hearing  
to parti-  
cipate in  
decision

(6) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present

throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

(7) Notwithstanding section 21 of *The Statutory Powers Procedure Act, 1971*, the Board shall reach a final decision or order and send notice thereof within ninety days from the date that the notice under section 6 or 7, as the case may be, requesting the hearing, has been received by the Board. *New.* Final decision of Board

**11.**—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Divisional Court in accordance with the rules of court. Appeal to court

(2) Where notice of an appeal is served under this section, the Board shall forthwith file with the Registrar of the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made, which, together with the transcript of evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal. Record to be filed in court

(3) The Minister is entitled to be heard, by counsel or otherwise, on the argument of an appeal under this section. Minister entitled to be heard

(4) The Divisional Court may affirm the decision of the Board appealed from or may rescind it and make such new decision as the court considers proper and, for such purpose, the court may exercise all the powers of the Board after a hearing before it and may substitute its opinion for that of the Board. *New.* Powers of court on appeal

**12.** Where the licence to operate a children's residence or to provide residential care, as the case may be, is revoked, the parent or guardian of each child in the children's residence or in receipt of residential care shall arrange for the removal of the child as soon as is practicable having regard to the best interests of the child, and the Minister may assist in finding alternative residential care for the child. *New.* Removal of children

**13.**—(1) The Minister may, at any time, Warrant for entry and occupation

(a) during the course of proceedings under sections 6 to 11; or

(b) where a licence to operate a children's residence or to provide residential care, as the case may be, is revoked,

apply *ex parte* to the county or district court of the county or district in which the children's residence is situate, or where the residential care is provided, for a warrant directing the sheriff to put the Minister or persons authorized by the Minister in occupation of the children's residence or the place or places where the residential care is provided, pending the outcome of the proceedings, or when the revocation becomes final, as the case may be, until alternative accommodation may be found for the children who are being cared for and where the court is satisfied that it is necessary for the health, safety or welfare of the children being cared for, the court may issue a warrant and the sheriff shall forthwith execute the warrant and make a return to the court of the execution thereof.

Interim  
manage-  
ment  
R.S.O. 1970,  
c. 154

(2) Where a warrant has been issued under subsection 1, the Minister may, notwithstanding sections 25 and 40 of *The Expropriations Act*, immediately occupy and operate or arrange for the occupation and operation by a person designated by the Minister of the children's residence or place or places where the residential care is provided for a period not exceeding six months, but all the rights of the owner under that Act, except those rights necessary to permit occupation and operation of the residence, including occupation and operation beyond the expiration of the term of any lease, are preserved.

Records

(3) Where a licence to operate a children's residence or to provide residential care, as the case may be, is revoked, the operator and owner of the residence shall, where requested by the Minister, hand over to the Minister, or a person designated by the Minister, all the records that are in the possession or control of the operator or owner, as the case may be, and that pertain to the children in the residence. *New.*

Program  
adviser

**14.—**(1) The Minister may designate in writing any person to be a program adviser with such powers and duties for the purposes of this Act and the regulations and subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the designation.

Powers of  
program  
advisers

(2) A program adviser may, at all reasonable times and upon producing proper identification, enter any children's residence or premises where the residential care described in clause *b* of subsection 1 of section 4 is provided that the program adviser on reasonable and probable grounds believes is being used as a children's residence or to provide residential services and inspect the facilities, the services provided and the books of account, and other records therein.



(3) Every person when requested so to do by a program adviser shall permit the entry and inspection by the program adviser of the premises referred to in subsection 1 and shall produce and permit inspection of the books of account and other records therein and supply extracts therefrom. Access for inspections

(4) No person shall hinder or obstruct a program adviser in the performance of the program adviser's duties or refuse to permit the program adviser to carry out such duties or refuse to furnish the program adviser with information or furnish the program adviser with false information. *New.* Obstructing inspection

**15.**—(1) A Director may apply to the Supreme Court by originating notice for an order enjoining any person, Injunction proceedings

(a) acting in contravention of subsection 1 of section 4; or

(b) operating a children's residence or providing residential care where the person's licence has been provisionally suspended under section 9,

and the court in its discretion may make such an order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court.

(2) Any person may apply to the Supreme Court for an order varying or discharging any order made under subsection 1. *New.* Idem

**16.** The Lieutenant Governor in Council may make regulations governing the management, operation and use of children's residences, and premises where residential care is provided under the authority of a licence and classes of either of them, and, without limiting the generality of the foregoing, may make regulations, Regulations

(a) defining "common parentage" for the purposes of clause *c* of section 1 and clause *b* of subsection 1 of section 4;

(b) prescribing additional powers and duties of a Director;

(c) prescribing additional powers and duties of program advisers;

(d) governing the issuance, renewal and expiration of licences referred to in section 4 and the fees payable by an applicant for a licence or renewal thereof;



(e) governing the establishment of and the accommodation, facilities, equipment and services to be provided in,

(i) a children's residence, and

(ii) premises where residential care is provided under the authority of a licence,

or any class thereof;

(f) exempting designated,

(i) children's residences, or

(ii) premises where residential care is provided under the authority of a licence,

or any class thereof from specified provisions of this Act or the regulations for such period or periods of time as the regulations prescribe;

(g) prescribing the accounts and records to be kept and the returns and reports by licensees;

(h) prescribing the qualifications of persons supervising children in,

(i) a children's residence, or

(ii) premises where residential care is provided under the authority of a licence,

or any class thereof and prescribing the powers and duties of such persons;

(i) governing the admission to and discharge of children from,

(i) children's residences, or

(ii) premises where residential care is provided under the authority of a licence,

or any class thereof and procedures for such admission and discharge;

(j) requiring the operators of children's residences, or premises where residential care is provided under the authority of a licence to provide such information as is prescribed and prescribing the persons to whom such information is to be given;

- (k) prescribing forms and providing for their use.  
R.S.O. 1970, c. 65, s. 14; 1971, c. 50, s. 18 (5);  
1971, c. 91, s. 6, *amended*.

**17.**—(1) Unless otherwise provided for in this Act or the Service  
regulations, any notice required to be given, delivered, filed  
or served under this Act or the regulations is sufficiently  
given, delivered, filed or served if delivered personally or sent  
by registered mail addressed to the person to whom delivery  
or service is required to be made at the person's last known  
address.

(2) Where service is made by mail, the service shall be Idem  
deemed to be made on the tenth day after the day of mailing  
unless the person on whom service is being made estab-  
lishes that the person did not receive it or did not, acting in  
good faith, through absence, accident, illness or other cause  
beyond the person's control, receive the notice or order until  
a later date. *New*.

**18.**—(1) Every person who contravenes, Offence

- (a) any provision of subsection 1 of section 4;
- (b) any term or condition of a licence relating to the  
maximum number of children to be cared for in a  
children's residence or place where residential care  
is provided; or
- (c) causes a child to be cared for in a children's resi-  
dence or place where residential care is provided  
that is required to be licensed and that is not  
licensed under this Act and every parent or guardian  
or other person who is under a legal duty to provide  
for a child and who permits the child to be cared  
for in such a residence or place,

and every director, officer or employee of a corporation who  
knowingly concurs in such contravention or causing by the  
corporation is guilty of an offence and on summary con-  
viction by the court is liable to a fine of not more than \$1,000  
for each day on which such offence continues or to imprison-  
ment for a term of not more than one year, or to both.

(2) Every person who, Idem

- (a) knowingly furnishes false information in any applica-  
tion under this Act or in any statement, report or  
return required to be furnished under this Act or  
the regulations;

(b) fails to comply with a warrant, order or direction made by any court of competent jurisdiction under this Act; or

(c) contravenes any provision of section 14,

and every director, officer or employee of a corporation who knowingly concurs in such furnishing of false information, failure or contravention by the corporation is guilty of an offence and on summary conviction by the court is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both.

Repeals

**19.** The following are repealed:

1. *The Children's Boarding Homes Act*, being chapter 65 of the Revised Statutes of Ontario, 1970.
2. *The Children's Boarding Homes Amendment Act, 1971*, being chapter 91.
3. Subsections 2 to 5 of section 18 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

Commence-  
ment

**20.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**21.** The short title of this Act is *The Children's Residential Services Act, 1978*.









An Act to revise  
The Children's Boarding Homes  
Act

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*1st Reading*

June 8th, 1978

*2nd Reading*

*3rd Reading*

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THE HON. KEITH C. NORTON  
Minister of Community and  
Social Services

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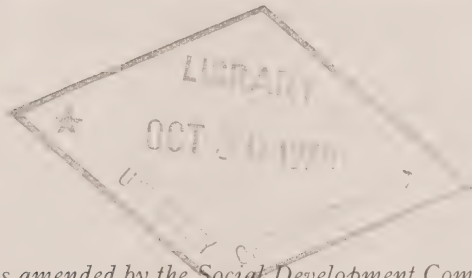
*(Government Bill)*

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to revise  
The Children's Boarding Homes Act**

THE HON. KEITH C. NORTON  
Minister of Community and Social Services



*(Reprinted as amended by the Social Development Committee)*

## EXPLANATORY NOTE

The purpose of the Bill is to revise, update and extend the application of *The Children's Boarding Homes Act*.

Some features of the Bill are as follows:

- (1) The proposed Bill, if enacted, will become the licensing statute for residential programs for children. (Section 4).
- (2) The definition of "children's boarding home" has been replaced by a definition of "children's residence". A number of programs which are excluded from registration under the existing Act will require licensing under the new Act.

The existing requirement for registration of premises in which five or more children receive residential care has been expanded to require licensing of premises where three or more children receive residential care. Persons who provide residential care for three or more children at more than one location will also require a licence. (Section 1 (c)).

- (3) The Children's Services Review Board will replace the Day Nursery Review Board under *The Day Nurseries Act* and the Licensing Board of Review under *The Children's Mental Health Centres Act*. The new Board will have jurisdiction to hear matters relating to issuance of licences required under this Act, *The Day Nurseries Act, 1978* and *The Child Welfare Act, 1978*. (Section 3).

The provisions for hearings of the Board and appeals therefrom are enacted without substantial change from *The Day Nurseries Act*. (Sections 10 and 11).

- (4) A provisional licence may be issued if the applicant does not meet all the requirements for issuance of a licence and requires time to do so. (Section 4).
- (5) When a licence is revoked, parents or guardians will be required to remove children from children's residences or premises where residential care is provided. (Section 12).
- (6) The Minister may during proceedings relating to issuance or revocation of licences and appeals therefrom or after revocation apply for a warrant to permit the Minister or persons authorized by the Minister to occupy the children's residence or premises where residential care is provided, pending the outcome of proceedings or when a revocation is final until alternative accommodation may be found for the children. The warrant may be issued if the court is satisfied that it is necessary for the health, safety or welfare of the children being cared for. Occupation is permitted for a period not exceeding six months and the rights of the owner of the premises, except those rights necessary to permit occupation and operation of premises beyond the expiration of any lease term, are preserved. (Section 13).
- (7) The Bill provides for the appointment of Program Advisers and prescribes the powers and duties of Program Advisers. This section is complementary to the amendments proposed to the other statutes. (Section 14).
- (8) Authority is provided for a Director to obtain an injunction to prohibit operation of a children's residence or the provision of residential care without a licence, or operation where a licence has been provisionally suspended. This section is similar to amendments proposed to other Acts. (Section 15).

BILL 118

1978

## An Act to revise The Children's Boarding Homes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "Board" means The Children's Services Review Board established under section 3;
- (b) "child" means a boy or girl actually or apparently under eighteen years of age;
- (c) "children's residence" means all or any part of a building or buildings in which three or more children not of common parentage reside away from the home of their parents or guardians primarily for the purpose of receiving residential care, and includes a foster home or any other home or institution in which three or more children not of common parentage reside and that is supervised or operated by a children's aid society under *The Child Welfare Act, 1978*, whether or not the children are Crown wards or wards of the society, but does not include,
  - (i) a house that is licensed under *The Private Hospitals Act*, R.S.O. 1970,  
c. 361
  - (ii) a day nursery within the meaning of *The Day Nurseries Act, 1978*, 1978, c.
  - (iii) a summer camp under *The Public Health Act*, R.S.O. 1970,  
c. 377
  - (iv) a home for special care under *The Homes for Special Care Act*, R.S.O. 1970,  
c. 205



1974, c. 109

- (v) part of a public school, separate school, private school or a school for trainable retarded children under *The Education Act, 1974*,
- (vi) a hostel intended for short-term accommodation, or
- (vii) a hospital that is in receipt of financial aid from the Province of Ontario;
- (d) "Director" means an employee of the Ministry appointed by the Minister as a director for all or any of the purposes of this Act;
- (e) "licence" means a licence issued under this Act;
- (f) "Minister" means the Minister of Community and Social Services;
- (g) "Ministry" means the Ministry of Community and Social Services;
- (h) "operator" means a person who has control or management of a children's residence and "operate" has a corresponding meaning;
- (i) "regulations" means the regulations made under this Act;
- (j) "residential care" means boarding or lodging, or both, and may include specialized, sheltered or group care in conjunction with the boarding or lodging, or both. 1971, c. 91, s. 1; 1972, c. 1, ss. 1, 19 (3), *amended*.

Appointment  
of Director

2.—(1) The Minister may appoint one or more persons to act as a Director. *New.*

Duties of  
Director

(2) A Director shall perform the duties imposed and may exercise the powers conferred upon a Director by this Act or the regulations or by any other Act or regulation thereunder. 1971, c. 91, s. 2, *part, amended*.

Acting  
Director

(3) Where a Director is absent or there is a vacancy in the office of a Director, the powers and duties of the Director shall be exercised and performed by such employee of the Ministry as the Minister designates. 1971, c. 91, s. 2, *part*; 1972, c. 1, ss. 1, 19 (3), *amended*.

**3.**—(1) The Lieutenant Governor in Council may appoint a board to be known as The Children's Services Review Board composed of such number of members as is prescribed by the regulations. Appointment  
of Children's  
Services  
Review  
Board

(2) A member of the Board may be appointed for a term not exceeding three years. Term of  
office

(3) Three members of the Board constitute a quorum. Quorum

(4) One of the members of the Board shall be appointed by the Lieutenant Governor in Council to be chairman of the Board and one or more other of the members of the Board may be appointed by the Lieutenant Governor in Council to be vice-chairman of the Board. Chairman  
and vice-  
chairman

(5) Each member of the Board shall be paid such *per diem* allowance as the Lieutenant Governor in Council from time to time determines and each member is entitled to the member's reasonable and necessary travelling and living expenses while attending meetings or otherwise engaged in the work of the Board. Remuner-  
ation

(6) Where, Absence,  
etc., of  
chairman

(a) the chairman of the Board is absent or is unable to act, a vice-chairman designated by the chairman; or

(b) the office of the chairman of the Board is vacant, a vice-chairman designated by the Minister,

has and shall exercise the jurisdiction and power of the chairman, including the power to complete any unfinished matter.

(7) The chairman shall from time to time assign various members of the Board to its various hearings. *New.* Assignment  
of members  
for hearings

**4.**—(1) No person shall, Licence  
required

(a) establish, operate or maintain a children's residence; or

(b) provide, directly or indirectly, residential care for three or more children not of common parentage in a place or places away from the home of their parents or guardians that is not a children's residence,

except under the authority of a licence issued by a Director under this Act.

Issuance  
of licence

(2) Subject to section 5, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a children's residence or to provide the residential care referred to in clause *b* of subsection 1, as the case may be, and pays the prescribed fee is entitled to be issued a licence by a Director subject to such terms and conditions as the Director may prescribe.

Idem

(3) Notwithstanding subsection 2, a licence to establish, operate or maintain a children's residence or to provide the residential care referred to in clause *b* of subsection 1, shall not be issued to a partnership or association of persons.

Renewal  
of licence

(4) Subject to section 5, a Director shall renew a licence of a children's residence or for the provision of residential care, as the case may be, on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee, and the renewal shall be subject to such terms and conditions as the Director may prescribe.

Provisional  
licence

(5) Subject to section 5, where an applicant for a licence or a renewal of a licence does not meet all the requirements for the issuance of a licence or renewal thereof and requires time to meet such requirements, a Director may, subject to such terms and conditions as the Director may prescribe, issue a provisional licence for such period or periods as the Director considers necessary to afford the applicant an opportunity to meet the requirements.

Registration  
to continue

(6) Notwithstanding the provisions of subsection 3, and subject to this Act and the regulations, a registration to use a premises as a children's boarding home made under *The Children's Boarding Homes Act*, being chapter 65 of the Revised Statutes of Ontario, 1970, before this Act comes into force shall be deemed to continue until the expiration thereof unless sooner surrendered or revoked.

Not  
transferable

(7) A licence is not transferable.

Notice of  
change

(8) Where the licensee is a corporation, the licensee shall notify a Director in writing within fifteen days of any change in the officers or directors of the corporation. *New.*

Grounds for  
refusal

**5.**—(1) Subject to section 6, a Director may refuse to issue a licence where in the Director's opinion,

(a) the applicant or any employee of the applicant or, where the applicant is a corporation, its officers,

directors or employees is or are not competent to establish, operate or maintain a children's residence or to provide the residential care referred to in clause *b* of subsection 1 of section 4, as the case may be, in a responsible manner in accordance with this Act and the regulations;

- (b) the past conduct of the applicant or any employee of the applicant or, where the applicant is a corporation, of its officers, directors or employees, affords reasonable grounds for belief that the children's residence will not be established, operated or maintained or the residential care provided, as the case may be, in accordance with this Act and the regulations; or
- (c) the building or buildings or accommodation in which the applicant proposes to establish, operate or maintain the children's residence or to provide the residential care referred to in clause *b* of subsection 1 of section 4, as the case may be, does not comply with the requirements of this Act and the regulations. 1971, c. 50, s. 18 (4), *part, amended*.

(2) Subject to section 6, a Director may refuse to renew or may revoke a licence issued to a children's residence or for the provision of residential care, where in the Director's opinion, Revocation  
or refusal  
to renew

- (a) the licensee or any employee of the licensee, or where the licensee is a corporation, any officer, director or employee thereof, has contravened or has knowingly permitted any person under the control or direction of or associated with the licensee, officer, director or employee, as the case may be, to contravene,
  - (i) any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the establishing, operating or maintaining of the children's residence or the providing of residential care, as the case may be, or
  - (ii) any term or condition of the licence;
- (b) the building or buildings or accommodation in which the children's residence is established, operated or maintained or the residential care is provided, does not comply with the requirements of this Act and the regulations;

- (c) the children's residence is established, operated or maintained or the residential care is provided in a manner that is prejudicial to the health, safety or welfare of the children cared for in the children's residence or place or places where the residential care is provided;
- (d) any person has made a false statement in the application for the licence or renewal thereof, or in any report, document or other information required to be furnished by this Act or the regulations or by any other Act or regulation that applies to the children's residence or the provision of residential care, as the case may be; or
- (e) a change in the officers or directors of the applicant would, if the applicant were applying for the licence in the first instance, afford grounds for refusing to issue a licence under clause *b* of subsection 1. 1971, c. 50, s. 18 (4), *part, amended*.

Notice of  
proposal  
to refuse  
to issue  
or to revoke

**6.—(1)** Where a Director proposes under section 5 to refuse to issue a licence or to refuse to renew or revoke a licence issued under that section, the Director shall cause notice to be served of the Director's proposal, together with written reasons therefor, on the applicant or the licensee, as the case may be.

Notice  
requiring  
hearing

(2) A notice under subsection 1 shall inform the applicant or licensee, as the case may be, that the applicant or licensee is entitled to a hearing by the Board if the applicant or licensee mails or delivers, within fifteen days after the notice is served on the applicant or licensee, notice in writing to the Director and to the Board, requiring a hearing and the applicant or licensee, as the case may be, may so require such a hearing.

Powers of  
Director  
where no  
hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in the Director's notice under subsection 1 without a hearing.

Powers of  
Board  
where  
hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, at the hearing, may by order direct the Director to carry out the Director's proposal or refrain from carrying out the Director's proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and, for such purposes, the Board may sub-



stitute its opinion for that of the Director. 1971, c. 50, s. 18 (4), *part, amended*.

7.—(1) Where a licensee is dissatisfied with the terms and conditions prescribed by a Director under subsection 2, 4 or 5 of section 4, the licensee may, within 15 days after the licence is received by the licensee, by written notice given to the Director and the Board, require a hearing by the Board and the Board shall appoint a time for and hold a hearing.

Review  
of terms  
of licence  
by Board

(2) The Board, pursuant to a hearing under subsection 1, may affirm the terms and conditions prescribed for the licence by a Director under subsection 2, 4 or 5 of section 4 or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in lieu of those prescribed by the Director as it considers proper.

Decision of  
Board

(3) For the purposes of subsection 1, a licence shall be deemed to be received by a licensee on the tenth day after the day of mailing of the licence unless the person to whom the licence is issued establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the licence until a later date. *New*.

Receipt of  
licence

8.—(1) The Board may extend the time for requiring a hearing under section 6 or 7, either before or after expiration of the time fixed in section 6 or 7, as the case may be, where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as it considers proper consequent upon the extension.

Extension  
of time for  
requiring  
hearing

(2) Subject to section 9, where, within the time prescribed therefor or, if no time is prescribed, before expiration of a licence, a licensee has applied for renewal of a licence and paid the prescribed fee, the licence shall be deemed to continue,

Continua-  
tion of  
licence  
pending  
renewal

(a) until the renewal is granted; or

(b) where the licensee is served with notice that the Director proposes to refuse to grant the renewal, until the time for requiring a hearing has expired and, where a hearing is required, until the Board has made its decision. 1971, c. 50, s. 18 (4), *part, amended*.

Provisional  
suspension,  
etc.

**9.** Notwithstanding section 6, a Director may, by causing notice to be served on a licensee and without a hearing, provisionally suspend the licence of the licensee where in the opinion of the Director the operation of the children's residence or the provision of residential care is an immediate threat to the health, safety or welfare of the children cared for in the children's residence or the place or places where residential care is provided, as the case may be, and the Director so states in such notice giving reasons therefor, and, upon suspension, the provisions of section 6 apply as if the notice given under this section were a notice of a proposal under subsection 1 of section 6 to revoke the licence. 1971, c. 50, s. 18 (4), *part, amended*.

Parties

**10.**—(1) The Director referred to in section 6 or 9, as the case may be, the applicant or licensee who has applied for the hearing and such other persons as may be specified by the Board are parties to proceedings before a Board under this Act.

Members  
holding  
hearing  
not to have  
taken part  
in investi-  
gation, etc.

(2) A member of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate, directly or indirectly, in relation to the subject-matter of the hearing with any person or with any party or the parties' representative except upon notice to and giving opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Examina-  
tion of  
docu-  
mentary  
evidence

(3) An applicant or licensee who is a party to proceedings under section 6 or 7 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced, or any report the contents of which will be given in evidence at the hearing.

Recording  
of  
evidence

(4) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Divisional Court.

Findings  
of fact

1971, c. 47

(5) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Only  
members  
at hearing  
to parti-  
cipate in  
decision

(6) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present

throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

(7) Notwithstanding section 21 of *The Statutory Powers Procedure Act, 1971*, the Board shall reach a final decision or order and send notice thereof within ninety days from the date that the notice under section 6 or 7, as the case may be, requesting the hearing, has been received by the Board. *New.*

Final  
decision of  
Board

**11.**—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Divisional Court in accordance with the rules of court.

Appeal  
to court

(2) Where notice of an appeal is served under this section, the Board shall forthwith file with the Registrar of the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made, which, together with the transcript of evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal.

Record to  
be filed in  
court

(3) The Minister is entitled to be heard, by counsel or otherwise, on the argument of an appeal under this section.

Minister  
entitled  
to be  
heard

(4) The Divisional Court may affirm the decision of the Board appealed from or may rescind it and make such new decision as the court considers proper and, for such purpose, the court may exercise all the powers of the Board after a hearing before it and may substitute its opinion for that of the Board. *New.*

Powers of  
court on  
appeal

**12.** Where the licence to operate a children's residence or to provide residential care, as the case may be, is suspended or revoked, the parent or guardian of each child in the children's residence or in receipt of residential care shall arrange for the removal of the child as soon as is practicable having regard to the best interests of the child, and the Minister may assist in finding alternative residential care for the child. *New.*

Removal of  
children

**13.**—(1) The Minister may, at any time,

Warrant  
for entry  
and occupa-  
tion

(a) during the course of proceedings under sections 6 to 11; or

(b) where a licence to operate a children's residence or to provide residential care, as the case may be, is suspended or revoked,

apply *ex parte* to the county or district court of the county or district in which the children's residence is situate, or where the residential care is provided, for a warrant directing the sheriff to put the Minister or persons authorized by the Minister in occupation of the children's residence or the place or places where the residential care is provided, pending the outcome of the proceedings, or when the revocation becomes final, as the case may be, until alternative accommodation may be found for the children who are being cared for and where the court is satisfied that it is necessary for the health, safety or welfare of the children being cared for, the court may issue a warrant and the sheriff shall forthwith execute the warrant and make a return to the court of the execution thereof.

Interim  
manage-  
ment  
R.S.O. 1970,  
c. 154

(2) Where a warrant has been issued under subsection 1, the Minister may, notwithstanding sections 25 and 40 of *The Expropriations Act*, immediately occupy and operate or arrange for the occupation and operation by a person designated by the Minister of the children's residence or place or places where the residential care is provided for a period not exceeding six months, but all the rights of the owner under that Act, except those rights necessary to permit occupation and operation of the residence, including occupation and operation beyond the expiration of the term of any lease, are preserved.

Records

(3) Where a licence to operate a children's residence or to provide residential care, as the case may be, is revoked, the operator and owner of the residence shall, where requested by the Minister, hand over to the Minister, or a person designated by the Minister, all the records that are in the possession or control of the operator or owner, as the case may be, and that pertain to the children in the residence. *New.*

Program  
adviser

**14.—**(1) The Minister may designate in writing any person to be a program adviser with such powers and duties for the purposes of this Act and the regulations and subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the designation.

Powers of  
program  
advisers

(2) A program adviser may, at all reasonable times and upon producing proper identification, enter any children's residence or premises where the residential care described in clause *b* of subsection 1 of section 4 is provided that the program adviser on reasonable and probable grounds believes is being used as a children's residence or to provide residential services and inspect the facilities, the services provided and the books of account, and other records therein.



(3) Every person when requested so to do by a program adviser shall permit the entry and inspection by the program adviser of the premises referred to in subsection 1 and shall produce and permit inspection of the books of account and other records therein and supply extracts therefrom. Access for inspections

(4) No person shall hinder or obstruct a program adviser in the performance of the program adviser's duties or refuse to permit the program adviser to carry out such duties or refuse to furnish the program adviser with information or furnish the program adviser with false information. *New.* Obstructing inspection

**15.**—(1) A Director may apply to the Supreme Court by originating notice for an order enjoining any person, Injunction proceedings

(a) acting in contravention of subsection 1 of section 4; or

(b) operating a children's residence or providing residential care where the person's licence has been provisionally suspended under section 9,

and the court in its discretion may make such an order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court.

(2) Any person may apply to the Supreme Court for an order varying or discharging any order made under subsection 1. *New.* Idem

**16.** The Lieutenant Governor in Council may make regulations governing the management, operation and use of children's residences, and premises where residential care is provided under the authority of a licence and classes of either of them, and, without limiting the generality of the foregoing, may make regulations, Regulations

(a) defining "common parentage" for the purposes of clause *c* of section 1 and clause *b* of subsection 1 of section 4;

(b) prescribing additional powers and duties of a Director;

(c) prescribing additional powers and duties of program advisers;

(d) governing the issuance, renewal and expiration of licences referred to in section 4 and the fees payable by an applicant for a licence or renewal thereof;



(e) governing the establishment of and the accommodation, facilities, equipment and services to be provided in,

(i) a children's residence, and

(ii) premises where residential care is provided under the authority of a licence,

or any class thereof;

(f) exempting designated,

(i) children's residences, or

(ii) premises where residential care is provided under the authority of a licence,

or any class thereof from specified provisions of this Act or the regulations for such period or periods of time as the regulations prescribe;

(g) prescribing the accounts and records to be kept and the returns and reports by licensees;

(h) prescribing the qualifications of persons supervising children in,

(i) a children's residence, or

(ii) premises where residential care is provided under the authority of a licence,

or any class thereof and prescribing the powers and duties of such persons;

(i) governing the admission to and discharge of children from,

(i) children's residences, or

(ii) premises where residential care is provided under the authority of a licence,

or any class thereof and procedures for such admission and discharge;

(j) requiring the operators of children's residences, or premises where residential care is provided under the authority of a licence to provide such information as is prescribed and prescribing the persons to whom such information is to be given;

(k) prescribing additional powers, duties and procedures of the Board;

(l) prescribing forms and providing for their use.  
R.S.O. 1970, c. 65, s. 14; 1971, c. 50, s. 18 (5);  
1971, c. 91, s. 6, *amended*.

**17.**—(1) Unless otherwise provided for in this Act or the regulations, any notice required to be given, delivered, filed or served under this Act or the regulations is sufficiently given, delivered, filed or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person's last known address. Service

(2) Where service is made by mail, the service shall be deemed to be made on the tenth day after the day of mailing unless the person on whom service is being made establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice or order until a later date. *New.* Idem

**18.**—(1) Every person who contravenes, Offence

(a) any provision of subsection 1 of section 4;

(b) any term or condition of a licence relating to the maximum number of children to be cared for in a children's residence or place where residential care is provided; or

(c) causes a child to be cared for in a children's residence or place where residential care is provided that is required to be licensed and that is not licensed under this Act and every parent or guardian or other person who is under a legal duty to provide for a child and who permits the child to be cared for in such a residence or place,

and every director, officer or employee of a corporation who knowingly concurs in such contravention or causing by the corporation is guilty of an offence and on summary conviction by the court is liable to a fine of not more than \$1,000 for each day on which such offence continues or to imprisonment for a term of not more than one year, or to both.

(2) Every person who, Idem

- (a) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;
- (b) fails to comply with a warrant, order or direction made by any court of competent jurisdiction under this Act; or
- (c) contravenes any provision of section 14,

and every director, officer or employee of a corporation who knowingly concurs in such furnishing of false information, failure or contravention by the corporation is guilty of an offence and on summary conviction by the court is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both.

Repeals

**19.** The following are repealed:

- 1. *The Children's Boarding Homes Act*, being chapter 65 of the Revised Statutes of Ontario, 1970.
- 2. *The Children's Boarding Homes Amendment Act, 1971*, being chapter 91.
- 3. Subsections 2 to 5 of section 18 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

Commence-  
ment

**20.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**21.** The short title of this Act is *The Children's Residential Services Act, 1978*.









An Act to revise  
The Children's Boarding Homes  
Act

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*1st Reading*

June 8th, 1978

*2nd Reading*

June 20th, 1978

*3rd Reading*

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THE HON. KEITH C. NORTON  
Minister of Community and  
Social Services

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*(Reprinted as amended by the  
Social Development Committee)*

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

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**An Act to revise  
The Children's Boarding Homes Act**

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THE HON. KEITH C. NORTON  
Minister of Community and Social Services

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BILL 118

1978

## An Act to revise The Children's Boarding Homes Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. In this Act,**

Interpre-  
tation

- (a) "Board" means The Children's Services Review Board established under section 3;
- (b) "child" means a boy or girl actually or apparently under eighteen years of age;
- (c) "children's residence" means all or any part of a building or buildings in which three or more children not of common parentage reside away from the home of their parents or guardians primarily for the purpose of receiving residential care, and includes a foster home or any other home or institution in which three or more children not of common parentage reside and that is supervised or operated by a children's aid society under *The Child Welfare Act, 1978*, whether or not the children are Crown wards or wards of the society, but does not include,
  - (i) a house that is licensed under *The Private Hospitals Act*, R.S.O. 1970,  
c. 361
  - (ii) a day nursery within the meaning of *The Day Nurseries Act, 1978*, 1978, c.
  - (iii) a summer camp under *The Public Health Act*, R.S.O. 1970,  
c. 377
  - (iv) a home for special care under *The Homes for Special Care Act*, R.S.O. 1970,  
c. 205



1974, c. 109

- (v) part of a public school, separate school, private school or a school for trainable retarded children under *The Education Act, 1974*,
- (vi) a hostel intended for short-term accommodation, or
- (vii) a hospital that is in receipt of financial aid from the Province of Ontario;
- (d) "Director" means an employee of the Ministry appointed by the Minister as a director for all or any of the purposes of this Act;
- (e) "licence" means a licence issued under this Act;
- (f) "Minister" means the Minister of Community and Social Services;
- (g) "Ministry" means the Ministry of Community and Social Services;
- (h) "operator" means a person who has control or management of a children's residence and "operate" has a corresponding meaning;
- (i) "regulations" means the regulations made under this Act;
- (j) "residential care" means boarding or lodging, or both, and may include specialized, sheltered or group care in conjunction with the boarding or lodging, or both. 1971, c. 91, s. 1; 1972, c. 1, ss. 1, 19 (3), *amended*.

Appointment  
of Director

2.—(1) The Minister may appoint one or more persons to act as a Director. *New.*

Duties of  
Director

(2) A Director shall perform the duties imposed and may exercise the powers conferred upon a Director by this Act or the regulations or by any other Act or regulation thereunder. 1971, c. 91, s. 2, *part, amended*.

Acting  
Director

(3) Where a Director is absent or there is a vacancy in the office of a Director, the powers and duties of the Director shall be exercised and performed by such employee of the Ministry as the Minister designates. 1971, c. 91, s. 2, *part*; 1972, c. 1, ss. 1, 19 (3), *amended*.

3.—(1) The Lieutenant Governor in Council may appoint a board to be known as The Children's Services Review Board composed of such number of members as is prescribed by the regulations. Appointment of Children's Services Review Board

(2) A member of the Board may be appointed for a term not exceeding three years. Term of office

(3) Three members of the Board constitute a quorum. Quorum

(4) One of the members of the Board shall be appointed by the Lieutenant Governor in Council to be chairman of the Board and one or more other of the members of the Board may be appointed by the Lieutenant Governor in Council to be vice-chairman of the Board. Chairman and vice-chairman

(5) Each member of the Board shall be paid such *per diem* allowance as the Lieutenant Governor in Council from time to time determines and each member is entitled to the member's reasonable and necessary travelling and living expenses while attending meetings or otherwise engaged in the work of the Board. Remuneration

(6) Where, Absence, etc., of chairman

(a) the chairman of the Board is absent or is unable to act, a vice-chairman designated by the chairman; or

(b) the office of the chairman of the Board is vacant, a vice-chairman designated by the Minister,

has and shall exercise the jurisdiction and power of the chairman, including the power to complete any unfinished matter.

(7) The chairman shall from time to time assign various members of the Board to its various hearings. *New.* Assignment of members for hearings

4.—(1) No person shall, Licence required

(a) establish, operate or maintain a children's residence; or

(b) provide, directly or indirectly, residential care for three or more children not of common parentage in a place or places away from the home of their parents or guardians that is not a children's residence,

except under the authority of a licence issued by a Director under this Act.

Issuance  
of licence

(2) Subject to section 5, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a children's residence or to provide the residential care referred to in clause *b* of subsection 1, as the case may be, and pays the prescribed fee is entitled to be issued a licence by a Director subject to such terms and conditions as the Director may prescribe.

Idem

(3) Notwithstanding subsection 2, a licence to establish, operate or maintain a children's residence or to provide the residential care referred to in clause *b* of subsection 1, shall not be issued to a partnership or association of persons.

Renewal  
of licence

(4) Subject to section 5, a Director shall renew a licence of a children's residence or for the provision of residential care, as the case may be, on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee, and the renewal shall be subject to such terms and conditions as the Director may prescribe.

Provisional  
licence

(5) Subject to section 5, where an applicant for a licence or a renewal of a licence does not meet all the requirements for the issuance of a licence or renewal thereof and requires time to meet such requirements, a Director may, subject to such terms and conditions as the Director may prescribe, issue a provisional licence for such period or periods as the Director considers necessary to afford the applicant an opportunity to meet the requirements.

Registration  
to continue

(6) Notwithstanding the provisions of subsection 3, and subject to this Act and the regulations, a registration to use a premises as a children's boarding home made under *The Children's Boarding Homes Act*, being chapter 65 of the Revised Statutes of Ontario, 1970, before this Act comes into force shall be deemed to continue until the expiration thereof unless sooner surrendered or revoked.

Not  
transferable

(7) A licence is not transferable.

Notice of  
change

(8) Where the licensee is a corporation, the licensee shall notify a Director in writing within fifteen days of any change in the officers or directors of the corporation. *New.*

Grounds for  
refusal

**5.—(1)** Subject to section 6, a Director may refuse to issue a licence where in the Director's opinion,

(a) the applicant or any employee of the applicant or, where the applicant is a corporation, its officers,

directors or employees is or are not competent to establish, operate or maintain a children's residence or to provide the residential care referred to in clause *b* of subsection 1 of section 4, as the case may be, in a responsible manner in accordance with this Act and the regulations;

- (b) the past conduct of the applicant or any employee of the applicant or, where the applicant is a corporation, of its officers, directors or employees, affords reasonable grounds for belief that the children's residence will not be established, operated or maintained or the residential care provided, as the case may be, in accordance with this Act and the regulations; or
- (c) the building or buildings or accommodation in which the applicant proposes to establish, operate or maintain the children's residence or to provide the residential care referred to in clause *b* of subsection 1 of section 4, as the case may be, does not comply with the requirements of this Act and the regulations. 1971, c. 50, s. 18 (4), *part, amended*.

(2) Subject to section 6, a Director may refuse to renew <sup>Revocation or refusal to renew</sup> or may revoke a licence issued to a children's residence or for the provision of residential care, where in the Director's opinion,

- (a) the licensee or any employee of the licensee, or where the licensee is a corporation, any officer, director or employee thereof, has contravened or has knowingly permitted any person under the control or direction of or associated with the licensee, officer, director or employee, as the case may be, to contravene,
  - (i) any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the establishing, operating or maintaining of the children's residence or the providing of residential care, as the case may be, or
  - (ii) any term or condition of the licence;
- (b) the building or buildings or accommodation in which the children's residence is established, operated or maintained or the residential care is provided, does not comply with the requirements of this Act and the regulations;



- (c) the children's residence is established, operated or maintained or the residential care is provided in a manner that is prejudicial to the health, safety or welfare of the children cared for in the children's residence or place or places where the residential care is provided;
- (d) any person has made a false statement in the application for the licence or renewal thereof, or in any report, document or other information required to be furnished by this Act or the regulations or by any other Act or regulation that applies to the children's residence or the provision of residential care, as the case may be; or
- (e) a change in the officers or directors of the applicant would, if the applicant were applying for the licence in the first instance, afford grounds for refusing to issue a licence under clause *b* of subsection 1. 1971, c. 50, s. 18 (4), *part, amended*.

Notice of  
proposal  
to refuse  
to issue  
or to revoke

**6.**—(1) Where a Director proposes under section 5 to refuse to issue a licence or to refuse to renew or revoke a licence issued under that section, the Director shall cause notice to be served of the Director's proposal, together with written reasons therefor, on the applicant or the licensee, as the case may be.

Notice  
requiring  
hearing

(2) A notice under subsection 1 shall inform the applicant or licensee, as the case may be, that the applicant or licensee is entitled to a hearing by the Board if the applicant or licensee mails or delivers, within fifteen days after the notice is served on the applicant or licensee, notice in writing to the Director and to the Board, requiring a hearing and the applicant or licensee, as the case may be, may so require such a hearing.

Powers of  
Director  
where no  
hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in the Director's notice under subsection 1 without a hearing.

Powers of  
Board  
where  
hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, at the hearing, may by order direct the Director to carry out the Director's proposal or refrain from carrying out the Director's proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and, for such purposes, the Board may sub-

stitute its opinion for that of the Director. 1971, c. 50, s. 18 (4), *part, amended*.

7.—(1) Where a licensee is dissatisfied with the terms and conditions prescribed by a Director under subsection 2, 4 or 5 of section 4, the licensee may, within 15 days after the licence is received by the licensee, by written notice given to the Director and the Board, require a hearing by the Board and the Board shall appoint a time for and hold a hearing. Review of terms of licence by Board

(2) The Board, pursuant to a hearing under subsection 1, may affirm the terms and conditions prescribed for the licence by a Director under subsection 2, 4 or 5 of section 4 or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in lieu of those prescribed by the Director as it considers proper. Decision of Board

(3) For the purposes of subsection 1, a licence shall be deemed to be received by a licensee on the tenth day after the day of mailing of the licence unless the person to whom the licence is issued establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the licence until a later date. *New*. Receipt of licence

8.—(1) The Board may extend the time for requiring a hearing under section 6 or 7, either before or after expiration of the time fixed in section 6 or 7, as the case may be, where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as it considers proper consequent upon the extension. Extension of time for requiring hearing

(2) Subject to section 9, where, within the time prescribed therefor or, if no time is prescribed, before expiration of a licence, a licensee has applied for renewal of a licence and paid the prescribed fee, the licence shall be deemed to continue, Continuation of licence pending renewal

(a) until the renewal is granted; or

(b) where the licensee is served with notice that the Director proposes to refuse to grant the renewal, until the time for requiring a hearing has expired and, where a hearing is required, until the Board has made its decision. 1971, c. 50, s. 18 (4), *part, amended*.



Provisional  
suspension,  
etc.

**9.** Notwithstanding section 6, a Director may, by causing notice to be served on a licensee and without a hearing, provisionally suspend the licence of the licensee where in the opinion of the Director the operation of the children's residence or the provision of residential care is an immediate threat to the health, safety or welfare of the children cared for in the children's residence or the place or places where residential care is provided, as the case may be, and the Director so states in such notice giving reasons therefor, and, upon suspension, the provisions of section 6 apply as if the notice given under this section were a notice of a proposal under subsection 1 of section 6 to revoke the licence. 1971, c. 50, s. 18 (4), *part, amended*.

Parties

**10.**—(1) The Director referred to in section 6 or 9, as the case may be, the applicant or licensee who has applied for the hearing and such other persons as may be specified by the Board are parties to proceedings before a Board under this Act.

Members  
holding  
hearing  
not to have  
taken part  
in investi-  
gation, etc.

(2) A member of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate, directly or indirectly, in relation to the subject-matter of the hearing with any person or with any party or the parties' representative except upon notice to and giving opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Examina-  
tion of  
docu-  
mentary  
evidence

(3) An applicant or licensee who is a party to proceedings under section 6 or 7 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced, or any report the contents of which will be given in evidence at the hearing.

Recording  
of  
evidence

(4) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Divisional Court.

Findings  
of fact

1971, c. 47

(5) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Only  
members  
at hearing  
to parti-  
cipate in  
decision

(6) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present

throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

(7) Notwithstanding section 21 of *The Statutory Powers Procedure Act, 1971*, the Board shall reach a final decision or order and send notice thereof within ninety days from the date that the notice under section 6 or 7, as the case may be, requesting the hearing, has been received by the Board. *New.*

Final  
decision of  
Board

**11.**—(1) Any party to the proceedings before the Board may appeal from its decision or order to the Divisional Court in accordance with the rules of court.

Appeal  
to court

(2) Where notice of an appeal is served under this section, the Board shall forthwith file with the Registrar of the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made, which, together with the transcript of evidence before the Board if it is not part of the Board's record, shall constitute the record in the appeal.

Record to  
be filed in  
court

(3) The Minister is entitled to be heard, by counsel or otherwise, on the argument of an appeal under this section.

Minister  
entitled  
to be  
heard

(4) The Divisional Court may affirm the decision of the Board appealed from or may rescind it and make such new decision as the court considers proper and, for such purpose, the court may exercise all the powers of the Board after a hearing before it and may substitute its opinion for that of the Board. *New.*

Powers of  
court on  
appeal

**12.** Where the licence to operate a children's residence or to provide residential care, as the case may be, is suspended or revoked, the parent or guardian of each child in the children's residence or in receipt of residential care shall arrange for the removal of the child as soon as is practicable having regard to the best interests of the child, and the Minister may assist in finding alternative residential care for the child. *New.*

Removal of  
children

**13.**—(1) The Minister may, at any time,

Warrant  
for entry  
and occupa-  
tion

(a) during the course of proceedings under sections 6 to 11; or

(b) where a licence to operate a children's residence or to provide residential care, as the case may be, is suspended or revoked,

apply *ex parte* to the county or district court of the county or district in which the children's residence is situate, or where the residential care is provided, for a warrant directing the sheriff to put the Minister or persons authorized by the Minister in occupation of the children's residence or the place or places where the residential care is provided, pending the outcome of the proceedings, or when the revocation becomes final, as the case may be, until alternative accommodation may be found for the children who are being cared for and where the court is satisfied that it is necessary for the health, safety or welfare of the children being cared for, the court may issue a warrant and the sheriff shall forthwith execute the warrant and make a return to the court of the execution thereof.

Interim  
manage-  
ment  
R.S.O. 1970,  
c. 154

(2) Where a warrant has been issued under subsection 1, the Minister may, notwithstanding sections 25 and 40 of *The Expropriations Act*, immediately occupy and operate or arrange for the occupation and operation by a person designated by the Minister of the children's residence or place or places where the residential care is provided for a period not exceeding six months, but all the rights of the owner under that Act, except those rights necessary to permit occupation and operation of the residence, including occupation and operation beyond the expiration of the term of any lease, are preserved.

Records

(3) Where a licence to operate a children's residence or to provide residential care, as the case may be, is revoked, the operator and owner of the residence shall, where requested by the Minister, hand over to the Minister, or a person designated by the Minister, all the records that are in the possession or control of the operator or owner, as the case may be, and that pertain to the children in the residence. *New.*

Program  
adviser

**14.—(1)** The Minister may designate in writing any person to be a program adviser with such powers and duties for the purposes of this Act and the regulations and subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the designation.

Remunera-  
tion and  
expenses

(2) The remuneration and expenses of any person appointed under subsection 1 who is not in the employ of the public service of Ontario shall be fixed by the Minister and shall be paid out of the moneys appropriated therefor by the Legislature.

Powers of  
program  
advisers

(3) A program adviser may, at all reasonable times and upon producing proper identification, enter any children's residence or premises where the residential care described

in clause *b* of subsection 1 of section 4 is provided that the program adviser on reasonable and probable grounds believes is being used as a children's residence or to provide residential services and inspect the facilities, the services provided and the books of account, and other records therein.

(4) Every person when requested so to do by a program adviser shall permit the entry and inspection by the program adviser of the premises referred to in subsection 1 and shall produce and permit inspection of the books of account and other records therein and supply extracts therefrom. <sup>Access for inspections</sup>

(5) No person shall hinder or obstruct a program adviser in the performance of the program adviser's duties or refuse to permit the program adviser to carry out such duties or refuse to furnish the program adviser with information or furnish the program adviser with false information. <sup>Obstructing inspection</sup> *New.*

**15.**—(1) A Director may apply to the Supreme Court by originating notice for an order enjoining any person, <sup>Injunction proceedings</sup>

(a) acting in contravention of subsection 1 of section 4;  
or

(b) operating a children's residence or providing residential care where the person's licence has been provisionally suspended under section 9,

and the court in its discretion may make such an order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court.

(2) Any person may apply to the Supreme Court for an order varying or discharging any order made under subsection 1. <sup>Idem</sup> *New.*

**16.** The Lieutenant Governor in Council may make regulations governing the management, operation and use of children's residences, and premises where residential care is provided under the authority of a licence and classes of either of them, and, without limiting the generality of the foregoing, may make regulations, <sup>Regulations</sup>

(a) defining "common parentage" for the purposes of clause *c* of section 1 and clause *b* of subsection 1 of section 4;

(b) prescribing additional powers and duties of a Director;



- (c) prescribing additional powers and duties of program advisers;
- (d) governing the issuance, renewal and expiration of licences referred to in section 4 and the fees payable by an applicant for a licence or renewal thereof;
- (e) governing the establishment of and the accommodation, facilities, equipment and services to be provided in,
  - (i) a children's residence, and
  - (ii) premises where residential care is provided under the authority of a licence,
 or any class thereof;
- (f) exempting designated,
  - (i) children's residences, or
  - (ii) premises where residential care is provided under the authority of a licence,
 or any class thereof from specified provisions of this Act or the regulations for such period or periods of time as the regulations prescribe;
- (g) prescribing the accounts and records to be kept and the returns and reports by licensees;
- (h) prescribing the qualifications of persons supervising children in,
  - (i) a children's residence, or
  - (ii) premises where residential care is provided under the authority of a licence,
 or any class thereof and prescribing the powers and duties of such persons;
- (i) governing the admission to and discharge of children from,
  - (i) children's residences, or
  - (ii) premises where residential care is provided under the authority of a licence,
 or any class thereof and procedures for such admission and discharge;



- (j) requiring the operators of children's residences, or premises where residential care is provided under the authority of a licence to provide such information as is prescribed and prescribing the persons to whom such information is to be given;
- (k) prescribing additional powers, duties and procedures of the Board;
- (l) prescribing forms and providing for their use. R.S.O. 1970, c. 65, s. 14; 1971, c. 50, s. 18 (5); 1971, c. 91, s. 6, *amended*.

**17.**—(1) Unless otherwise provided for in this Act or the Service regulations, any notice required to be given, delivered, filed or served under this Act or the regulations is sufficiently given, delivered, filed or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person's last known address.

(2) Where service is made by mail, the service shall be Idem deemed to be made on the tenth day after the day of mailing unless the person on whom service is being made establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice or order until a later date. *New*.

**18.**—(1) Every person who contravenes, Offence

- (a) any provision of subsection 1 of section 4;
- (b) any term or condition of a licence relating to the maximum number of children to be cared for in a children's residence or place where residential care is provided; or
- (c) causes a child to be cared for in a children's residence or place where residential care is provided that is required to be licensed and that is not licensed under this Act and every parent or guardian or other person who is under a legal duty to provide for a child and who permits the child to be cared for in such a residence or place,

and every director, officer or employee of a corporation who knowingly concurs in such contravention or causing by the corporation is guilty of an offence and on summary con-

viction by the court is liable to a fine of not more than \$1,000 for each day on which such offence continues or to imprisonment for a term of not more than one year, or to both.

Idem

(2) Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;
- (b) fails to comply with a warrant, order or direction made by any court of competent jurisdiction under this Act; or
- (c) contravenes any provision of section 14,

and every director, officer or employee of a corporation who knowingly concurs in such furnishing of false information, failure or contravention by the corporation is guilty of an offence and on summary conviction by the court is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both.

Repeals

**19.** The following are repealed:

- 1. *The Children's Boarding Homes Act*, being chapter 65 of the Revised Statutes of Ontario, 1970.
- 2. *The Children's Boarding Homes Amendment Act, 1971*, being chapter 91.
- 3. Subsections 2 to 5 of section 18 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

Commence-  
ment

**20.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**21.** The short title of this Act is *The Children's Residential Services Act, 1978*.









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**BILL 118**

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An Act to revise  
The Children's Boarding Homes  
Act

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*1st Reading*

June 8th, 1978

*2nd Reading*

June 20th, 1978

*3rd Reading*

November 30th, 1978

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THE HON. KEITH C. NORTON  
Minister of Community and  
Social Services

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

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**An Act to amend The Provincial Courts Act**

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THE HON. KEITH C. NORTON  
Minister of Community and Social Services

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TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

SECTION 1. Subsection 2 of section 21 of the Act gives the Minister of Community and Social Services the authority to establish, operate and maintain observation and detention homes.

Subsection 3 of section 21 provides that observation and detention homes in existence on the date the amendment comes into force shall be deemed to have been established by the Minister under this Act.

Subsection 4 of section 21 gives the Minister the authority to purchase services with respect to observation and detention homes.

SECTION 2. Section 21*a* provides that admissions to and discharges from observation and detention homes are subject to judicial control.

In the new section 21*b*, the powers and duties of a superintendent of observation and detention homes are clarified. The superintendent is given temporary custody and control of children admitted to a home except those children admitted under Part II of *The Child Welfare Act, 1978* or who are wards of the Crown under *The Training Schools Act*. The superintendent or his designate, and police officers are empowered to apprehend, with or without a warrant, children who leave the home without the consent of the superintendent or, in the case of children detained under Part II of *The Child Welfare Act, 1978*, the consent of the children's aid society having care and custody of the child, or in the case of a ward of the Crown under *The Training Schools Act*, without the consent of the Area Administrator.

BILL 119

1978

## An Act to amend The Provincial Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 21 of *The Provincial Courts Act*, being chapter 369 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed and the following substituted therefor:
 

s. 21,  
re-enacted

21.—(1) In this section and sections 21*b* and 22, “Minister” means the Minister of Community and Social Services.
 

Interpre-  
tation

(2) The Minister may establish, operate and maintain observation and detention homes upon such terms and conditions as the Minister considers necessary.
 

Observation  
and  
detention  
homes  
established

(3) A detention and observation home in existence on the date this section comes into force shall be deemed to have been established by the Minister under this section and to continue as an observation and detention home under this Act.
 

Idem

(4) The Minister may, by written agreement or otherwise with any person upon such terms and conditions as may be agreed, provide for the establishment, operation and maintenance of observation and detention homes and for the provision of services in such observation and detention homes.
 

Agreements

2. The said Act is amended by adding thereto the following sections:
 

ss. 21*a*, 21*b*,  
enacted

21*a*. Subject to the provisions of the *Juvenile Delinquents Act* (Canada), the *Criminal Code* (Canada), *The Child Welfare Act*, 1978 and *The Training Schools Act*, no child shall be admitted to or discharged from an observation and
 

Admission  
and discharge  
from  
observation  
and detention  
homes  
R.S.C. 1970,  
cc. J-3, C-34,  
1978, c.  
R.S.O. 1970,  
c. 467

detention home except by order of a judge of the provincial court (family division) or a judge of the Unified Family Court.

Powers and  
duties of  
super-  
intendent

21b.—(1) There shall be a superintendent for each observation and detention home established under section 21 or designated under section 22 who shall perform the duties imposed and may exercise the powers conferred upon the superintendent by the Minister.

Super-  
intendent to  
have care,  
custody and  
control

1978. c.

R.S.O. 1970,  
c. 467

(2) The superintendent of an observation and detention home shall have the temporary care, custody and control of a child committed to or placed in the observation and detention home, other than a child detained under Part II of *The Child Welfare Act, 1978* or who is a Crown ward under *The Training Schools Act*, during the period of time that the child remains in the observation and detention home.

Apprehen-  
sion of child

(3) A police officer, a superintendent of an observation and detention home or any other person designated by the superintendent who has reasonable and probable grounds to believe that a child committed to or placed in the observation and detention home has left the observation and detention home prior to the child's discharge therefrom without the consent of,

- (a) the superintendent;
- (b) where the child has been detained under Part II of *The Child Welfare Act, 1978*, the children's aid society having care, custody and control of the child;
- (c) where the child is a Crown ward under *The Training Schools Act*, the area administrator having care, custody and control of the child,

may apprehend the child with or without a warrant and arrange for the child to be brought back to the observation and detention home.

Warrant to  
apprehend  
child

(4) A warrant referred to in subsection 3 may be issued by a justice of the peace on information laid before the justice on oath that the child has left the observation and detention home without the consent of the superintendent or the children's aid society or area administrator referred to in subsection 3, as the case may be.

Right of  
entry

(5) A person authorized by a warrant issued under subsection 4 may enter, if need be by force, any house, building or other place specified in the warrant and may search for and remove the child therefrom.





SECTION 3. Section 22 is amended to permit the Minister of Community and Social Services to designate any place, house, home or institution a detention home within the meaning of the *Juvenile Delinquents Act* (Canada) and to provide that such a detention home shall be deemed an observation and detention home under this Act.

SECTION 4. Section 23 which provided for the establishment and maintenance and operation of diagnostic clinics as part of the court is repealed.

SECTION 5. Section 28 of the Act providing for regulations is amended to allow regulations to be made prescribing,

- (a) additional powers and duties of superintendents of observation and detention homes;
- (b) criteria for admission to and discharge from such homes; and
- (c) defining the services that may be provided in such homes.

3. Section 22 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed and the following substituted therefor:

22. The Minister may designate any place, house, home or institution a detention home within the meaning of the *Juvenile Delinquents Act* (Canada) and such detention home shall be deemed to be an observation and detention home under this Act.

s. 22.  
re-enacted  
Detention  
homes  
R.S.C. 1970,  
c. J-3

4. Section 23 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed.

s. 23.  
repealed

5. Subsection 1 of section 28 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is further amended by adding thereto the following clauses:

s. 28 (1).  
amended

(ga) prescribing additional powers and duties of superintendents of observation and detention homes;

(gb) governing the procedures for admission to and discharge of children from observation and detention homes or any class thereof;

(gc) defining "services" for the purposes of section 21 and prescribing the items, services and payments or classes of payments to be included in any such definition, and prescribing the terms and conditions upon which such services may be provided.

6. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-  
ment

7. The short title of this Act is *The Provincial Courts Amendment Act, 1978*.

Short title

An Act to amend  
The Provincial Courts Act

---

*1st Reading*

June 8th, 1978

*2nd Reading*

*3rd Reading*

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THE HON. KEITH C. NORTON  
Minister of Community and  
Social Services

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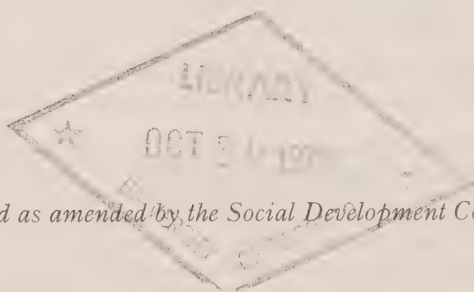
*(Government Bill)*

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

An Act to amend The Provincial Courts Act

THE HON. KEITH C. NORTON  
Minister of Community and Social Services



*(Reprinted as amended by the Social Development Committee)*

#### EXPLANATORY NOTE

SECTION 1. Subsection 2 of section 21 of the Act gives the Minister of Community and Social Services the authority to establish, operate and maintain observation and detention homes.

Subsection 3 of section 21 provides that observation and detention homes in existence on the date the amendment comes into force shall be deemed to have been established by the Minister under this Act.

Subsection 4 of section 21 gives the Minister the authority to purchase services with respect to observation and detention homes.

Subsection 5 of section 21 authorizes the Minister to appoint Directors for the purposes of the Act.

SECTION 2. Section 21*a* provides that admissions to and discharges from observation and detention homes are subject to judicial control.

In the new section 21*b*, the powers and duties of a superintendent of observation and detention homes are clarified. The superintendent is given temporary custody and control of children admitted to a home except those children admitted under Part II of *The Child Welfare Act, 1978* or who are wards of the Crown under *The Training Schools Act*. The superintendent or his designate, and police officers are empowered to apprehend, with or without a warrant, children who leave the home without the consent of the superintendent or, in the case of children detained under Part II of *The Child Welfare Act, 1978*, the consent of the children's aid society having care and custody of the child, or in the case of a ward of the Crown under *The Training Schools Act*, without the consent of the Area Administrator.



BILL 119

1978

## An Act to amend The Provincial Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 21 of *The Provincial Courts Act*, being chapter 369 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed and the following substituted therefor:

21. (1) In this section and sections 21*b* and 22, "Minister" means the Minister of Community and Social Services. s. 21.  
re-enacted  
Interpre-  
tation

(2) The Minister may establish, operate and maintain observation and detention homes upon such terms and conditions as the Minister considers necessary. Observation  
and  
detention  
homes  
established

(3) A detention and observation home in existence on the date this section comes into force shall be deemed to have been established by the Minister under this section and to continue as an observation and detention home under this Act. Idem

(4) The Minister may, by written agreement or otherwise with any person upon such terms and conditions as may be agreed, provide for the establishment, operation and maintenance of observation and detention homes and for the provision of services in such observation and detention homes. Agreements

(5) The Minister may appoint one or more persons to act as a Director for the purpose of providing general supervision and direction over observation and detention homes. Appointment  
of Director

2. The said Act is amended by adding thereto the following sections: ss. 21*a*, 21*b*.  
enacted

Admission  
and discharge  
from  
observation  
and detention  
homes

R.S.C. 1970,  
cc. J-3, C-34,  
1978, c.  
R.S.O. 1970,  
c. 467

Powers and  
duties of  
super-  
intendent

Super-  
intendent to  
have care,  
custody and  
control

1978, c.

R.S.O. 1970,  
c. 467

Apprehen-  
sion of child

Warrant to  
apprehend  
child

21a. Subject to the provisions of the *Juvenile Delinquents Act* (Canada), the *Criminal Code* (Canada), *The Child Welfare Act, 1978* and *The Training Schools Act*, no child shall be admitted to or discharged from an observation and detention home except by order of a judge of the provincial court (family division) or a judge of the Unified Family Court.

21b.—(1) There shall be a superintendent for each observation and detention home established under section 21 or designated under section 22 who shall perform the duties imposed and may exercise the powers conferred upon the superintendent by the Minister or a Director appointed by the Minister under subsection 5 of section 21.

(2) The superintendent of an observation and detention home shall have the temporary care, custody and control of a child committed to or placed in the observation and detention home, other than a child detained under Part II of *The Child Welfare Act, 1978* or who is a Crown ward under *The Training Schools Act*, during the period of time that the child remains in the observation and detention home.

(3) A police officer, a superintendent of an observation and detention home or any other person designated by the superintendent who has reasonable and probable grounds to believe that a child committed to or placed in the observation and detention home has left the observation and detention home prior to the child's discharge therefrom without the consent of,

(a) the superintendent;

(b) where the child has been detained under Part II of *The Child Welfare Act, 1978*, the children's aid society having care, custody and control of the child;

(c) where the child is a Crown ward under *The Training Schools Act*, the area administrator having care, custody and control of the child,

may apprehend the child with or without a warrant and arrange for the child to be brought back to the observation and detention home.

(4) A warrant referred to in subsection 3 may be issued by a justice of the peace on information laid before the justice on oath that the child has left the observation and detention home without the consent of the superintendent or the children's aid society or area administrator referred to in subsection 3, as the case may be.



SECTION 3. Section 22 is amended to permit the Minister of Community and Social Services to designate any place, house, home or institution a detention home within the meaning of the *Juvenile Delinquents Act* (Canada) and to provide that such a detention home shall be deemed an observation and detention home under this Act.

SECTION 4. Section 23 which provided for the establishment and maintenance and operation of diagnostic clinics as part of the court is repealed.

SECTION 5. Section 28 of the Act providing for regulations is amended to allow regulations to be made prescribing,

- (a) additional powers and duties of superintendents of observation and detention homes;
- (b) criteria for admission to and discharge from such homes; and
- (c) defining the services that may be provided in such homes.

(5) A person authorized by a warrant issued under sub-section 4 may enter, if need be by force, any house, building or other place specified in the warrant and may search for and remove the child therefrom. Right of entry

3. Section 22 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed and the following substituted therefor: s. 22.  
re-enacted


22. The Minister may designate any place, house, home or institution a detention home within the meaning of the *Juvenile Delinquents Act* (Canada) and such detention home shall be deemed to be an observation and detention home under this Act. Detention homes  
R.S.C. 1970,  
c. J-3


4. Section 23 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed. s. 23.  
repealed

5. Subsection 1 of section 28 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is further amended by adding thereto the following clauses: s. 28 (1),  
amended

(ga) prescribing additional powers and duties of superintendents of observation and detention homes;

(gb) governing the procedures for admission to and discharge of children from observation and detention homes or any class thereof;

 (gc) defining "services" for the purposes of section 21 and prescribing the terms and conditions upon which such services may be provided;

(gd) prescribing the classes of payments by way of provincial aid to any observation and detention home and the methods of determining the amounts of payments and providing for the manner and time of payment and the terms and conditions of the payment thereof and the suspension and withholding of payments and for the making of deductions from payments. 

6. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment

7. The short title of this Act is *The Provincial Courts Amendment Act, 1978*. Short title

An Act to amend  
The Provincial Courts Act

---

*1st Reading*

June 8th, 1978

*2nd Reading*

June 20th, 1978

*3rd Reading*

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THE HON. KEITH C. NORTON  
Minister of Community and  
Social Services

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*(Reprinted as amended by the  
Social Development Committee)*

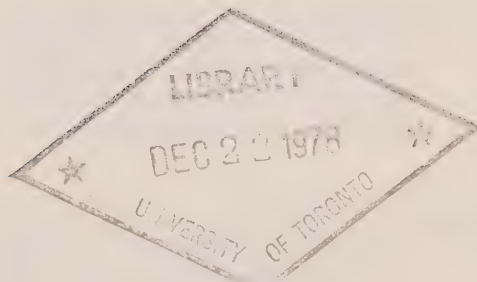


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BILL 119

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend The Provincial Courts Act**

THE HON. KEITH C. NORTON  
Minister of Community and Social Services



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 119

1978

## An Act to amend The Provincial Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 21 of *The Provincial Courts Act*, being chapter 369 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed and the following substituted therefor: s. 21,  
re-enacted

21.—(1) In this section and sections 21*b* and 22, “Minister” Interpre-  
tation means the Minister of Community and Social Services.

(2) The Minister may establish, operate and maintain observation and detention homes upon such terms and conditions as the Minister considers necessary. Observation  
and  
detention  
homes  
established

(3) A detention and observation home in existence on the date this section comes into force shall be deemed to have been established by the Minister under this section and to continue as an observation and detention home under this Act. Idem

(4) The Minister may, by written agreement or otherwise with any person upon such terms and conditions as may be agreed, provide for the establishment, operation and maintenance of observation and detention homes and for the provision of services in such observation and detention homes. Agreements

(5) The Minister may appoint one or more persons to act as a Director for the purpose of providing general supervision and direction over observation and detention homes. Appointment  
of Director

2. The said Act is amended by adding thereto the following sections: ss. 21*a*, 21*b*,  
enacted

Admission  
and discharge  
from  
observation  
and detention  
homes

R.S.C. 1970,  
cc. J-3, C-34,  
1978, c.  
R.S.O. 1970,  
c. 467

Powers and  
duties of  
super-  
intendent

Super-  
intendent to  
have care,  
custody and  
control

1978, c.

R.S.O. 1970,  
c. 467

Apprehen-  
sion of child

Warrant to  
apprehend  
child

21a. Subject to the provisions of the *Juvenile Delinquents Act* (Canada), the *Criminal Code* (Canada), *The Child Welfare Act, 1978* and *The Training Schools Act*, no child shall be admitted to or discharged from an observation and detention home except by order of a judge of the provincial court (family division) or a judge of the Unified Family Court.

21b.—(1) There shall be a superintendent for each observation and detention home established under section 21 or designated under section 22 who shall perform the duties imposed and may exercise the powers conferred upon the superintendent by the Minister or a Director appointed by the Minister under subsection 5 of section 21.

(2) The superintendent of an observation and detention home shall have the temporary care, custody and control of a child committed to or placed in the observation and detention home, other than a child detained under Part II of *The Child Welfare Act, 1978* or who is a Crown ward under *The Training Schools Act*, during the period of time that the child remains in the observation and detention home.

(3) A police officer, a superintendent of an observation and detention home or any other person designated by the superintendent who has reasonable and probable grounds to believe that a child committed to or placed in the observation and detention home has left the observation and detention home prior to the child's discharge therefrom without the consent of,

(a) the superintendent;

(b) where the child has been detained under Part II of *The Child Welfare Act, 1978*, the children's aid society having care, custody and control of the child;

(c) where the child is a Crown ward under *The Training Schools Act*, the area administrator having care, custody and control of the child,

may apprehend the child with or without a warrant and arrange for the child to be brought back to the observation and detention home.

(4) A warrant referred to in subsection 3 may be issued by a justice of the peace on information laid before the justice on oath that the child has left the observation and detention home without the consent of the superintendent or the children's aid society or area administrator referred to in subsection 3, as the case may be.

(5) A person authorized by a warrant issued under sub-section 4 may enter, if need be by force, any house, building or other place specified in the warrant and may search for and remove the child therefrom. Right of entry

3. Section 22 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed and the following substituted therefor: s. 22, re-enacted

22. The Minister may designate any place, house, home or institution a detention home within the meaning of the *Juvenile Delinquents Act* (Canada) and such detention home shall be deemed to be an observation and detention home under this Act. Detention homes R.S.C. 1970, c. J-3

4. Section 23 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is repealed. s. 23, repealed

5. Subsection 1 of section 28 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 22, section 1, is further amended by adding thereto the following clauses: s. 28 (1), amended

(ga) prescribing additional powers and duties of superintendents of observation and detention homes;

(gb) governing the procedures for admission to and discharge of children from observation and detention homes or any class thereof;

(gc) defining "services" for the purposes of section 21 and prescribing the terms and conditions upon which such services may be provided;

(gd) prescribing the classes of payments by way of provincial aid to any observation and detention home and the methods of determining the amounts of payments and providing for the manner and time of payment and the terms and conditions of the payment thereof and the suspension and withholding of payments and for the making of deductions from payments.

6. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

7. The short title of this Act is *The Provincial Courts Amendment Act, 1978*. Short title







An Act to amend  
The Provincial Courts Act

---

*1st Reading*

June 8th, 1978

*2nd Reading*

June 20th, 1978

*3rd Reading*

November 30th, 1978

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THE HON. KEITH C. NORTON  
Minister of Community and  
Social Services

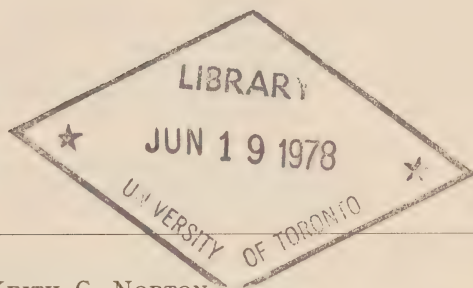
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BILL 120

Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to revise The Day Nurseries Act**



THE HON. KEITH C. NORTON  
Minister of Community and Social Services

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of the Bill is to repeal, up-date and extend the application of *The Day Nurseries Act*.

Some features of the Bill are as follows:

1. The Bill continues the authority for the establishment of day nurseries, the purchase of day nursery and private-home day care services and funding of municipalities and Indian Bands for these programs. (ss. 3, 4 and 8).
2. The Minister, municipalities and Indian Bands are authorized to purchase in-home services for a child. (s. 5).
3. The procedures for suspension and revocation of approvals of corporations for funding purposes are clarified. A provision for notice of intention to revoke an approval and to give the approved corporation an opportunity to require a hearing is also included. Authority is granted to permit the Minister to appoint more than one person to conduct a hearing. (s. 7).
4. The Bill provides authority to subsidize private-home day care services for developmentally handicapped children over the age of ten years in special circumstances. (s. 8).
5. The existing provisions prohibiting the establishment, operation or maintenance of a day nursery without a licence are extended to require licensing of private-home day care agencies. A "private-home day care agency" is defined as "a person who provides private-home day care at more than one location". (s. 11, 1 (*m*)).
6. The Bill provides for the appointment of Program Advisers and prescribes the powers and duties of Program Advisers. This section is complementary to the amendments proposed to the other statutes. (s. 16).

BILL 120

1978

## An Act to revise The Day Nurseries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) “approved corporation” means a corporation that,
  - (i) has been approved under section 6, and
  - (ii) that is specified in the regulations or that is a member of a class prescribed in the regulations;
- (b) “band” and “council of the band” have the same meaning as in the *Indian Act* (Canada); R.S.C. 1970,  
c. I-6
- (c) “Board” means the Children’s Services Review Board established under *The Children’s Residential Services Act, 1978*; 1978, c. ...
- (d) “day nursery” means a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are,
  - (i) under eighteen years of age in the case of a day nursery for children with a developmental handicap, and
  - (ii) under ten years of age in all other cases,
 but does not include,
  - (iii) part of a public school, separate school, private school or a school for trainable retarded children under *The Education Act, 1974*, 1974, c. 109

1974, c. 120

(iv) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to section 8b of *The Ministry of Culture and Recreation Act, 1974*, or

R.S.O. 1970,  
c. 68

(v) a children's mental health centre under *The Children's Mental Health Services Act, 1978*;

- (e) "developmental handicap" means a condition of mental impairment present or occurring during a person's formative years, that is associated with limitations in adaptive behaviour;
- (f) "Director" means an employee of the Ministry appointed by the Minister as a director for all or any of the purposes of this Act;
- (g) "in-home services" means services provided for a child in the child's own home;
- (h) "licence" means a licence issued under this Act;
- (i) "Minister" means the Minister of Community and Social Services;
- (j) "Ministry" means the Ministry of Community and Social Services;
- (k) "municipality" means a city, town, village, township or county and includes a metropolitan municipality, but does not include a local municipality in a metropolitan municipality;
- (l) "operator" means a person who has control or management of a day nursery or a private-home day care agency and "operate" has a corresponding meaning;
- (m) "private-home day care" means the temporary care for reward or compensation of five children or less who are under ten years of age where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours;
- (n) "private-home day care agency" means a person who provides private-home day care at more than one location;



- (o) "regulations" means the regulations made under this Act. 1971 (2nd Sess.), c. 11, s. 1; 1972, c. 1, s. 1; 1973, c. 77, s. 1, *amended*.

**2.**—(1) The Minister may appoint one or more persons to act as a Director. *New.* Appointment of Director

(2) A Director shall perform the duties imposed and may exercise the powers conferred upon a Director by this Act or the regulations or by any other Act or regulation thereunder. 1973, c. 77, s. 6, *amended*. Duties of Director

(3) Where a Director is absent or there is a vacancy in the office of a Director, the powers and duties of the Director shall be exercised and performed by such employee of the Ministry as the Minister may designate. R.S.O. 1970, c. 104, s. 4 (2), *amended*. Acting Director

**3.**—(1) The council of a municipality may, subject to this Act and the regulations, by by-law provide for the establishment of day nurseries. Establishment of day nurseries by municipalities

(2) The council of a municipality may pass by-laws granting aid to day nurseries. By-laws re grants

(3) The council of a municipality may, subject to this Act and the regulations, enter into an agreement with the operator of a day nursery for the furnishing of day nursery services for such children as is agreed upon, and the municipality may make expenditures as are necessary for the purpose. R.S.O. 1970, c. 104, s. 2 (1-3), *amended*. Agreements to provide day nurseries

- (4) The Minister may, Establishment, etc., of day nurseries by Minister
- (a) with the approval of the Lieutenant Governor in Council, establish day nurseries in areas without municipal organization;
  - (b) enter into an agreement with the operator of a day nursery for the furnishing of day nursery services for such children residing in areas without municipal organization as is agreed upon; and
  - (c) direct payment of expenditures as are necessary for the purposes of clauses *a* and *b*. 1971 (2nd Sess.), c. 11, s. 2, *amended*.

**4.**—(1) The council of a municipality may pass by-laws granting aid to any person providing private-home day care. By-laws re grant

Agreement  
to furnish  
private-  
home day  
care

(2) The council of a municipality may enter into an agreement with any person for the furnishing of private-home day care, and the municipality may make expenditures as are necessary for the purpose.

Agreement  
with  
Minister

(3) The Minister may enter into an agreement with any person for furnishing private-home day care in areas without municipal organization. 1971, c. 93, s. 2, *amended*.

Agreement  
to purchase  
in-home  
services

**5.**—(1) The council of a municipality may enter into an agreement to purchase in-home services for a child from any person and may direct payment of expenditures as are necessary for the purpose.

Idem

(2) The Minister may enter into an agreement to purchase in-home services for a child from any person and may direct payment of expenditures as are necessary for the purpose. *New*.

Approval of  
corpora-  
tions

**6.** Where the Minister is satisfied that any corporation is, with financial assistance under this Act and the regulations, financially capable of establishing, maintaining and operating a day nursery and that its affairs are carried on under competent management in good faith, the Minister may approve the corporation for the payment of grants under this Act and the regulations. 1973, c. 77, s. 2, *amended*.

Suspension  
and  
revocation  
of approvals

**7.**—(1) Subject to this section, any approval given under section 6 may be suspended or revoked by the Minister where,

- (a) any director, officer or employee of the approved corporation has contravened or knowingly permitted any person under the control and direction of the director, officer or employee, as the case may be, to contravene any provision of this Act or the regulations; or
- (b) the approval would be refused if application were being made for it in the first instance. 1971 (2nd Sess.), c. 11, s. 3, *part*; 1973, c. 77, s. 3 (1).

Notice of  
proposal  
to suspend  
or revoke

(2) Subject to subsection 10, where the Minister proposes to suspend or revoke an approval of a corporation given under this Act, the Minister shall, except where the approval is suspended or revoked with the consent of the approved corporation, serve notice of the Minister's proposal to suspend or revoke the approval, together with written reasons therefor, on the approved corporation.

(3) A notice under subsection 2 shall inform the approved corporation that it is entitled to a hearing under this section if the corporation mails or delivers, within fifteen days after the notice under subsection 2 is served on it, notice in writing, to the Minister requiring a hearing and the corporation may so require a hearing. Notice requiring hearing

(4) Where the approved corporation does not require a hearing under this section in accordance with subsection 5, the Minister may carry out the proposal stated in the Minister's notice under subsection 2 without a hearing. Powers of Minister where no hearing

(5) Where the approved corporation requires a hearing under subsection 3, the Minister shall cause a hearing to be held to determine whether the approval should be suspended or revoked. Hearing

(6) Where the Minister causes a hearing to be held, the hearing shall be held by a person or persons appointed by the Minister other than a person or persons in the employment of the Ministry. *New.* Idem

(7) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section. 1971 (2nd Sess.), c. 11, s. 3, *part, amended.* Application of 1971, c. 47

(8) The person or persons holding a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out, Report to Minister

(a) the findings of fact and any information or knowledge used by the person or persons in making any recommendations, any conclusions of law arrived at relevant to the recommendations; and

(b) the recommendations of the person or persons as to the suspension or revocation of the approval,

and shall send a copy of the report to the persons affected by the report.

(9) After considering a report made under this section, the Minister may suspend or revoke the approval to which the report relates and shall give notice of the Minister's decision to the persons affected, specifying the reasons therefor. Decision of Minister

(10) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act where the continuation of operations in accordance with the Provisional suspension of approval

approval is, in the Minister's opinion, an immediate threat to the public interest and the Minister so states in such notice giving reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 9 apply. 1971 (2nd Sess.) c. 11, s. 3, *part, amended*.

Payments

8.—(1) There shall be paid to every municipality an amount determined in accordance with the regulations towards the cost incurred,

(a) for the operation and maintenance of a day nursery established by the municipality; and

(b) under an agreement entered into pursuant to,

(i) subsection 3 of section 3, or

(ii) subsection 2 of section 4, or subsection 1 of section 5. 1971, c. 93, s. 3, *part*; 1971 (2nd Sess.), c. 11, s. 4 (1); 1973, c. 77, s. 4 (1), *amended*.

Payments  
to bands

(2) There shall be paid to every band an amount determined in accordance with the regulations towards the cost incurred,

(a) for the operation and maintenance of a day nursery established by the council of the band; and

(b) under agreements entered into by the council of the band,

(i) with the operator of a day nursery for the furnishing of services for such children as is agreed upon,

(ii) with any person for the furnishing of private-home day care, or

(iii) with any person to purchase in-home services for a child. 1971, c. 93, s. 3, *part, amended*.

Payment  
to approved  
corpora-  
tions

(3) There shall be paid to every approved corporation an amount determined in accordance with the regulations for the operation and maintenance of a day nursery maintained and operated by the corporation. 1971 (2nd Sess.), c. 11, s. 4 (2); 1973, c. 77, s. 4 (2), *amended*.

Time and  
manner of  
payment

(4) An amount payable to a municipality, a band or an approved corporation under this section,

(a) shall be paid at the time or times and in the manner as is prescribed by the regulations; and



- (b) may, in special circumstances, be paid in respect of persons who have a developmental handicap, in addition to those persons described in clause *m* of section 1. *New.*

**9.**—(1) Where the Minister has approved the erection of <sup>Capital payments</sup> a new building, an addition to an existing building, the purchase or other acquisition of an existing building, the structural alteration or the renovation or the furnishing and equipping of a building by a municipality, band or approved corporation for use in whole or in part as a day nursery, the Minister may direct payment to the municipality, band or approved corporation, as the case may be, out of moneys appropriated therefor by the Legislature of an amount determined in accordance with the regulations towards the cost of the new building, addition, acquisition, structural alteration, renovation or furnishing and equipping, as the case may be, that is applicable to the day nursery. 1973, c. 77, s. 5, *amended.*

(2) An amount payable to a municipality, a band or an approved corporation under this section shall be paid at the <sup>Time and manner of payment</sup> time or times and in the manner as is prescribed by the regulations. 1971 (2nd Sess.), c. 11, s. 5, *part, amended.*

**10.**—(1) No municipality, band or approved corporation <sup>Approval of sale, etc.</sup> shall change the site, structure or use of, or sell, lease, mortgage or otherwise dispose of any part of or interest in any day nursery, in respect of which the municipality, band or approved corporation, as the case may be, has received payment under section 9, without the approval in writing of a Director, and such approval may be made subject to such conditions for repayment in whole or in part of any such payment as the Director considers advisable.

(2) Where a municipality, band or approved corporation <sup>Recovery of whole or part of payment</sup> changes the site, structure or use of, or sells, leases, mortgages or otherwise disposes of any part of, or interest in any day nursery without the approval of a Director, or where such approval has been given, is in default of any condition for repayment imposed under subsection 1, the whole or any part of any payment under section 9 in respect of the day nursery may be recovered as a debt due to the Crown from the municipality, band or approved corporation, as the case may be,

- (a) out of moneys payable by Ontario to the municipality, band or approved corporation under the authority of any Act; or

(b) by proceedings in any court of competent jurisdiction.  
1971 (2nd Sess.), c. 11, s. 5, *part, amended*.

Licence  
required

11.—(1) No person shall establish, operate or maintain a day nursery or a private-home day care agency, as the case may be, except under the authority of a licence issued by a Director under this Act.

Issuance of  
licence

(2) Subject to section 12, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a day nursery or a private-home day care agency, as the case may be, and pays the prescribed fee is entitled to be issued a licence by a Director subject to such terms and conditions as the Director may prescribe.

Idem

(3) Notwithstanding subsection 2, a licence to establish, operate or maintain a day nursery or a private-home day care agency shall not be issued to a partnership or association of persons.

Renewal of  
licence

(4) Subject to section 12, a Director shall renew a licence of a day nursery or a private-home day care agency, as the case may be, on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee and the renewal shall be subject to such terms and conditions as the Director may prescribe.

Provisional  
licence

(5) Where an applicant for a licence or a renewal of a licence does not meet all the requirements for the issuance of a licence or renewal thereof and requires time to meet such requirements, a Director may, subject to such terms and conditions as the Director may prescribe, issue a provisional licence for such period or periods as the Director considers necessary to afford the applicant an opportunity to meet the requirements.

Licence to  
continue

(6) Notwithstanding the provisions of subsection 3, and subject to this Act and the regulations, a licence to operate a day nursery issued under *The Day Nurseries Act*, being chapter 104 of the Revised Statutes of Ontario, 1970, before this Act comes into force shall be deemed to continue until the expiration thereof unless sooner surrendered or revoked.

Not trans-  
ferable

(7) A licence is not transferable.

Notice of  
change

(8) Where the licensee is a corporation, the licensee shall notify a Director in writing within fifteen days of any change in the officers or directors of the corporation. *New*.



**12.—**(1) Subject to section 13, a Director may refuse to issue a licence where in the Director's opinion, Grounds  
for  
refusal

- (a) the applicant or any employee of the applicant or, where the applicant is a corporation, its officers, directors or employees is or are not competent to establish, operate or maintain a day nursery or a private-home day care agency, as the case may be, in a responsible manner in accordance with this Act and the regulations;
  - (b) the past conduct of the applicant or any employee of the applicant or, where the applicant is a corporation, of its officers, directors or employees, affords reasonable grounds for belief that the day nursery or the private-home day care agency, as the case may be, will not be established, operated or maintained in accordance with this Act and the regulations; or
  - (c) the building or buildings or accommodation in which the applicant proposes to establish, operate or maintain the day nursery or provide private-home day care, as the case may be, does not comply with the requirements of this Act and the regulations.
- 1971, c. 50, s. 25 (2), *part, amended*.

(2) Subject to section 13, a Director may refuse to renew or may revoke a licence issued to a day nursery or a private-home day care agency, where in the Director's opinion, Revocation  
or refusal  
to renew

- (a) the licensee or any employee of the licensee, or where the licensee is a corporation, any officer, director or employee thereof, has contravened or has knowingly permitted any person under the control or direction of or associated with the licensee, officer, director or employee, as the case may be, to contravene,
  - (i) any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the establishment, operation or maintenance of the day nursery or the provision of private-home day care, as the case may be, or
  - (ii) any term or condition of the licence;
- (b) the building or buildings or accommodation in which the day nursery is established, operated or maintained or the private-home day care is provided, does not

comply with the requirements of this Act and the regulations;

- (c) the day nursery is established, operated or maintained or the private-home day care is provided in a manner that is prejudicial to the health, safety or welfare of the children cared for in the day nursery or in the place or places where private-home day care is provided;
- (d) any person has made a false statement in the application for the licence or renewal thereof, or in any report, document or other information required to be furnished by this Act or the regulations or by any other Act or regulation that applies to the day nursery or private-home day care agency, as the case may be; or
- (e) a change in the officers or directors of the applicant would, if the applicant were applying for the licence in the first instance, afford grounds for refusing to issue a licence under clause *b* of subsection 1. 1971, c. 50, s. 25 (2), *part, amended*.

Notice of  
proposal  
to refuse to  
issue or to  
revoke

**13.**—(1) Where a Director proposes under section 12 to refuse to issue a licence or to refuse to renew or revoke a licence issued under that section, the Director shall cause notice to be served of the Director's proposal together with written reasons therefor, on the applicant or the licensee, as the case may be.

Notice  
requiring  
hearing

(2) A notice under subsection 1 shall inform the applicant or licensee, as the case may be, that the applicant or licensee is entitled to a hearing by the Board if the applicant or licensee mails or delivers, within fifteen days, after the notice is served on the applicant or licensee, notice in writing to the Director and to the Board, requiring a hearing and the applicant or licensee, as the case may be, may so require such a hearing. 1971, c. 50, s. 25 (2), *part, amended*.

Powers of  
Director  
where no  
hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in the Director's notice under subsection 1 without a hearing.

Powers of  
Board  
where  
hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, at the hearing, may by order direct the Director to carry out the Director's proposal or refrain from carrying out the Director's proposal

and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and, for such purposes, the Board may substitute its opinion for that of the Director.

(5) Sections 8, 10 and 11 of *The Children's Residential Services Act, 1978* apply with necessary modifications to proceedings before the Board, to the powers of the Board under this Act and to appeals therefrom. *New.*

**14.**—(1) Where a licensee is dissatisfied with the terms and conditions prescribed by a Director under subsection 2, 4 or 5 of section 11, the licensee may, within 15 days after the licence is received by the licensee, by written notice given to the Director and the Board, require a hearing by the Board and the Board shall appoint a time for and hold a hearing.

(2) The Board, pursuant to a hearing under subsection 1, may affirm the terms and conditions prescribed for the licence by a Director under subsection 2, 4 or 5 of section 11 or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in lieu of those prescribed by the Director as it considers proper. 1971, c. 50, s. 25 (2), *part, amended.*

(3) For the purposes of subsection 1, a licence shall be deemed to be received by a licensee on the tenth day after the day of mailing of the licence unless the person to whom the licence is issued establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the licence until a later date. *New.*

**15.**—(1) Where, in the opinion of a Director, there is a threat to the health, safety or welfare of the children cared for in a day nursery or in receipt of private-home day care from a private-home day care agency, as the case may be, the Director shall,

- (a) give such direction or directions in writing as the Director considers necessary to the operator or to any person on the premises of the day nursery or premises where private-home day care is provided who appears to be in charge of the children being cared for, directing the operator or person in charge, as the case may be, immediately or within such period of time as the Director specifies to eliminate the threat to the health, safety, or welfare of the children or to protect the children from such threat,

and may,

- (b) direct in writing that the day nursery shall not be used as a day nursery or that private-home day care not be provided on the premises that is the subject of the direction referred to in clause *a* until the Director's direction or directions are complied with.

Notice to  
parents,  
etc.

(2) Where the Director gives a direction under clause *b* of subsection 1, the Director may,

- (a) notify the parents or guardians of the children enrolled in the day nursery or in receipt of private-home day care, as the case may be, of the direction; and
- (b) cause to be affixed to the premises of the day nursery or premises where private-home day care is provided, as the case may be, a notice in the prescribed form and no person except the Director or a program adviser designated under section 16 shall remove the notice unless authorized by the Director or a program adviser.

Suspension  
of licence

(3) Notwithstanding section 13, where a direction is given by the Director under subsection 1, the licence of the day nursery or private-home day care agency, as the case may be, shall be deemed to be suspended without a hearing until the Director is satisfied that the direction has been complied with and upon suspension the provisions of section 13 apply as if the direction were a notice of a proposal to revoke the licence under subsection 1 of section 13. 1973, c. 77, s. 8, *amended*.

Program  
adviser

**16.**—(1) The Minister may designate in writing any person to be a program adviser with such powers and duties for the purposes of this Act and the regulations and subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the designation. R.S.O. 1970, c. 104, s. 15 (1), *amended*.

Powers of  
program  
advisers

(2) A program adviser may at all reasonable times and upon producing proper identification enter any day nursery or any private-home day care agency or premises used by a private-home day care agency to provide private-home day care, or any premises that the program adviser on reasonable and probable grounds believes is being used as a day nursery or private-home day care agency or is being used to provide private-home day care by a private-home day care agency



and inspect the facilities, the services provided and the books of account, and other records in any such premises. *New.*

(3) Every person when requested so to do by a program adviser shall permit the entry and inspection by the program adviser of the premises referred to in subsection 1 and shall produce and permit inspection of the books of account, enrolment records and other records therein and supply extracts therefrom. R.S.O. 1970, c. 104, s. 15 (2), *amended*. <sup>Access for inspections</sup>

(4) No person shall hinder or obstruct a program adviser in the performance of the program adviser's duties or refuse to permit the program adviser to carry out such duties or refuse to furnish the program adviser with information or furnish the program adviser with false information. 1971 (2nd Sess.), c. 11, s. 6, *amended*. <sup>Obstructing inspection</sup>

**17.**—(1) A Director may apply to the Supreme Court by originating notice for an order enjoining any person acting in contravention of subsection 1 of section 11 or subsection 1 of section 15, and the court in its discretion may make such an order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. <sup>Injunction proceedings</sup>

(2) Any person may apply to the Supreme Court for an order varying or discharging any order made under subsection 1. 1973, c. 77, s. 11, *amended*. <sup>Idem</sup>

**18.** The Lieutenant Governor in Council may make regulations governing the management, operation and use of day nurseries and private-home day care agencies and classes of either of them and premises where private-home day care is provided by a private-home day care agency and without limiting the generality of the foregoing may make regulations, <sup>Regulations</sup>

- (a) defining "common parentage" for the purpose of clause *d* of section 1;
- (b) governing the accommodation, facilities, equipment and services to be provided in,
  - (i) day nurseries, and
  - (ii) premises where private-home day care is provided by a private-home day care agency, or any class thereof;

- (c) governing the establishment, construction, alteration and renovation of day nurseries and premises where private-home day care is provided by a private-home day care agency;
- (d) prescribing the conditions to be maintained in private residences where private-home day care is furnished under an agreement between a municipality, a council of the band or the Minister and any person;
- (e) providing for the inspection of private residences in which private-home day care is furnished under an agreement between a municipality, the council of the band or the Minister and any person;
- (f) prescribing the qualifications of persons supervising children in a day nursery or any class thereof or on a premises where private-home day care is provided under an agreement between a municipality, the council of the band or the Minister and any person;
- (g) establishing and approving courses of instruction for persons supervising children in day nurseries or any class thereof or on premises where private-home day care is provided and providing for the granting of certificates to those persons who have satisfactorily completed the course of instruction or who otherwise meet the prescribed qualifications;
- (h) governing the issuance, renewal and expiration of licences and the fees payable by an applicant for a licence or renewal thereof;
- (i) governing applications by municipalities, bands and approved corporations for payments under this Act and prescribing the method, time, manner and the terms and conditions for the payment thereof and providing for the suspension and withholding of payment and for the making of deductions from payments;
- (j) requiring the approval of the Minister of budgets submitted and expenditures incurred for the purposes of this Act and the regulations by municipalities, bands and approved corporations;
- (k) prescribing classes of corporations with members that may be approved under section 6 and specifying corporations not members of such classes that may be approved under section 6;



- (*l*) prescribing classes of payment for the purposes of section 8 and determining the amount of any such payment;
- (*m*) prescribing the manner of computing costs for the purposes of sections 8 and 9;
- (*n*) prescribing classes of capital payment for the purposes of section 9, the circumstances under which any such payment or class thereof may be paid, and determining the amounts of any such payments or classes thereof;
- (*o*) prescribing the accounts and records to be kept, claims, returns, and reports to be made and information to be provided and requiring budgets to be submitted by municipalities, bands, approved corporations, private-home day care agencies and day nurseries and prescribing to whom such information is to be provided;
- (*p*) governing the confidentiality of,
  - (i) accounts and records required to be kept and claims, returns and reports to be made under this Act and the regulations, and
  - (ii) information provided to a day nursery or a private-home day care agency;
- (*q*) prescribing the amounts to be contributed towards the cost of private-home day care or services provided in a day nursery on behalf of persons in receipt of such services, and prescribing persons required to contribute such amounts;
- (*r*) prescribing forms and providing for their use;
- (*s*) prescribing additional powers and duties of a Director;
- (*t*) prescribing classes of in-home services and the services to be included in any such class and prescribing the terms and conditions upon which such in-home services or any class thereof may be provided and prescribing the class or classes of persons who may be eligible for such services;
- (*u*) prescribing terms and conditions to be included in any agreement entered into under section 3, 4 or 5;

- (v) exempting designated approved corporations, day nurseries, municipalities, bands, or private-home day care agencies from specified provisions of this Act or the regulations for such period or periods of time as the regulations prescribe;
- (w) governing the fees that shall be charged for services provided for private-home day care or in a day nursery;
- (x) prescribing additional powers and duties of program advisers;
- (y) prescribing "special circumstances" for the purposes of clause *b* of subsection 4 of section 8;
- (z) prescribing additional persons or classes of persons in respect of whom payments may be made under clause *b* of subsection 4 of section 8. R.S.O. 1970, c. 104, s. 16; 1971, c. 50, s. 25 (3); 1971, c. 93, s. 4; 1971 (2nd Sess.), c. 11, s. 7; 1973, c. 77, s. 9, *amended*.

## Service

**19.**—(1) Unless otherwise provided for in this Act or the regulations, any notice required to be given, delivered, filed or served under this Act or the regulations is sufficiently given, delivered, filed or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person's last known address.

## Idem

(2) Where service is made by mail, the service shall be deemed to be made on the tenth day after the day of mailing unless the person on whom service is being made establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice until a later date. *New.*

## Offence

**20.**—(1) Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;
- (b) contravenes the provisions of subsection 1 of section 11;
- (c) fails to comply with a direction of the Director under section 15; or

(d) fails to comply with an order made by a court under section 17,

and every director, officer or employee of a corporation who knowingly concurs in such contravention or failure by the corporation is guilty of an offence and on summary conviction by the court is liable to a fine of not more than \$1,000 for each day on which such offence continues or to imprisonment for a term of not more than one year, or to both.

(2) Every person who contravenes the provisions of <sup>Idem</sup> section 16 and every director, officer or employee of a corporation who knowingly concurs in such contravention by the corporation is guilty of an offence and on summary conviction by the court is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both. R.S.O. 1970, c. 104, s. 17 (2), *amended*.

**21.** The following are repealed:

Repeals

1. *The Day Nurseries Act*, being chapter 104 of the Revised Statutes of Ontario, 1970.
2. *The Day Nurseries Amendment Act, 1971*, being chapter 93.
3. *The Day Nurseries Amendment Act, 1971* (No. 2), being chapter 11.
4. *The Day Nurseries Amendment Act, 1973*, being chapter 77.
5. Subsections 2 and 3 of section 25 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

**22.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. <sup>Commence-</sup>  
ment

**23.** The short title of this Act is *The Day Nurseries Act*, <sup>Short title</sup>  
1978.

An Act to revise  
The Day Nurseries Act

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*1st Reading*

June 8th, 1978

*2nd Reading*

*3rd Reading*

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THE HON. KEITH C. NORTON  
Minister of Community and  
Social Services

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*(Government Bill)*

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3  
BILL 120

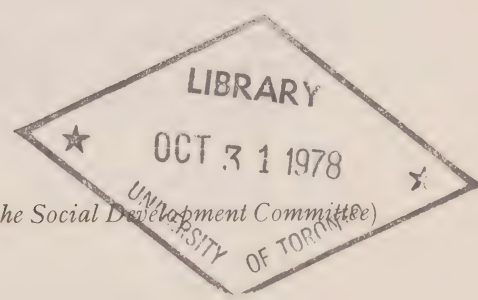
Publications  
Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

# An Act to revise The Day Nurseries Act

THE HON. KEITH C. NORTON  
Minister of Community and Social Services

(Reprinted as amended by the Social Development Committee)



## EXPLANATORY NOTE

The purpose of the Bill is to repeal, up-date and extend the application of *The Day Nurseries Act*.

Some features of the Bill are as follows:

1. The Bill continues the authority for the establishment of day nurseries, the purchase of day nursery and private-home day care services and funding of municipalities and Indian Bands for these programs. (ss. 3, 4 and 8).
2. The Minister, municipalities and Indian Bands are authorized to purchase in-home services for a child. (s. 5).
3. The procedures for suspension and revocation of approvals of corporations for funding purposes are clarified. A provision for notice of intention to revoke an approval and to give the approved corporation an opportunity to require a hearing is also included. Authority is granted to permit the Minister to appoint more than one person to conduct a hearing. (s. 7).
4. The Bill provides authority to subsidize private-home day care services for developmentally handicapped children over the age of ten years in special circumstances. Provision is also made to subsidize in special circumstances private-home day care and day nursery services for children who do not have a developmental handicap and who are over ten years of age and under twelve years of age. (s. 8).
5. The existing provisions prohibiting the establishment, operation or maintenance of a day nursery without a licence are extended to require licensing of private-home day care agencies. A "private-home day care agency" is defined as "a person who provides private-home day care at more than one location". (s. 1, (m) ).
6. The Bill provides for the appointment of Program Advisers and prescribes the powers and duties of Program Advisers. This section is complementary to the amendments proposed to the other statutes. (s. 16).



BILL 120

1978

## An Act to revise The Day Nurseries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-  
tation

(a) "approved corporation" means a corporation that,

(i) has been approved under section 6, and

(ii) that is specified in the regulations or that is a member of a class prescribed in the regulations;

(b) "band" and "council of the band" have the same meaning as in the *Indian Act* (Canada);

R.S.C. 1970,  
c. I-6

(c) "Board" means the Children's Services Review Board established under *The Children's Residential Services Act, 1978*; 1978, c. ...

(d) "day nursery" means a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are,

(i) under eighteen years of age in the case of a day nursery for children with a developmental handicap, and

(ii) under ten years of age in all other cases,

but does not include,

(iii) part of a public school, separate school, private school or a school for trainable retarded children under *The Education Act, 1974*, 1974, c. 109

1974, c. 120

R.S.O. 1970,  
c. 68

- (iv) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to section 8b of *The Ministry of Culture and Recreation Act, 1974*, or
- (v) a children's mental health centre under *The Children's Mental Health Services Act, 1978*;
- (e) "developmental handicap" means a condition of mental impairment present or occurring during a person's formative years, that is associated with limitations in adaptive behaviour;
- (f) "Director" means an employee of the Ministry appointed by the Minister as a director for all or any of the purposes of this Act;
- (g) "in-home services" means services provided for a child,
  - (i) in the child's own home, or
  - (ii) in a place other than the child's own home where the child is receiving residential care;
- (h) "licence" means a licence issued under this Act;
- (i) "Minister" means the Minister of Community and Social Services;
- (j) "Ministry" means the Ministry of Community and Social Services;
- (k) "municipality" means a city, town, village, township or county and includes a metropolitan municipality, but does not include a local municipality in a metropolitan municipality;
- (l) "operator" means a person who has control or management of a day nursery or a private-home day care agency and "operate" has a corresponding meaning;
- (m) "private-home day care" means the temporary care for reward or compensation of five children or less who are under ten years of age where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours;
- (n) "private-home day care agency" means a person who provides private-home day care at more than one location;

(o) "regulations" means the regulations made under this Act;

(p) "residential care" means boarding or lodging, or both, and may include specialized, sheltered or group care in conjunction with the boarding or lodging, or both. 1971 (2nd Sess.), c. 11, s. 1; 1972, c. 1, s. 1; 1973, c. 77, s. 1, *amended*.

**2.—**(1) The Minister may appoint one or more persons to act as a Director. *New.* Appointment of Director

(2) A Director shall perform the duties imposed and may exercise the powers conferred upon a Director by this Act or the regulations or by any other Act or regulation thereunder. 1973, c. 77, s. 6, *amended*. Duties of Director

(3) Where a Director is absent or there is a vacancy in the office of a Director, the powers and duties of the Director shall be exercised and performed by such employee of the Ministry as the Minister may designate. R.S.O. 1970, c. 104, s. 4 (2), *amended*. Acting Director

**3.—**(1) The council of a municipality may, subject to this Act and the regulations, by by-law provide for the establishment of day nurseries. Establishment of day nurseries by municipalities

(2) The council of a municipality may pass by-laws granting aid to day nurseries. By-laws re grants

(3) The council of a municipality may, subject to this Act and the regulations, enter into an agreement with the operator of a day nursery for the furnishing of day nursery services for such children as is agreed upon, and the municipality may make expenditures as are necessary for the purpose. R.S.O. 1970, c. 104, s. 2 (1-3), *amended*. Agreements to provide day nurseries

(4) The Minister may, Establishment, etc., of day nurseries by Minister

(a) with the approval of the Lieutenant Governor in Council, establish day nurseries in areas without municipal organization;

(b) enter into an agreement with the operator of a day nursery for the furnishing of day nursery services for such children residing in areas without municipal organization as is agreed upon; and

(c) direct payment of expenditures as are necessary for the purposes of clauses *a* and *b*. 1971 (2nd Sess.), c. 11, s. 2, *amended*.

**4.—**(1) The council of a municipality may pass by-laws granting aid to any person providing private-home day care. By-laws re grant

Agreement  
to furnish  
private-  
home day  
care

(2) The council of a municipality may enter into an agreement with any person for the furnishing of private-home day care, and the municipality may make expenditures as are necessary for the purpose.

Agreement  
with  
Minister

(3) The Minister may enter into an agreement with any person for furnishing private-home day care in areas without municipal organization and may direct payment of expenditures as are necessary for the purpose. 1971, c. 93, s. 2, *amended*.

Agreement  
to purchase  
in-home  
services

5.—(1) The council of a municipality may enter into an agreement to purchase in-home services for a child from any person and may direct payment of expenditures as are necessary for the purpose.

Idem

(2) The Minister may enter into an agreement to purchase in-home services for a child from any person and may direct payment of expenditures as are necessary for the purpose.

Agreement  
to purchase  
services

(3) The Minister may enter into an agreement to purchase services for a child enrolled in a day nursery or in receipt of private-home day care and may direct payment of expenditures as are necessary for the purpose. *New*.

Approval of  
corpora-  
tions

6.—(1) Where the Minister is satisfied that any corporation is, with financial assistance under this Act and the regulations, financially capable of establishing, maintaining and operating a day nursery and that its affairs are carried on under competent management in good faith, the Minister may approve the corporation for the payment of grants under this Act and the regulations. 1973, c. 77, s. 2, *amended*.

Funding of  
corporations

(2) Where the Minister intends to approve a corporation under subsection 1, the Minister may enter into an agreement with the corporation for the establishment of a day nursery upon such terms and conditions as may be agreed and may direct payment of expenditures as are necessary for the purpose. *New*.

Suspension  
and  
revocation  
of approvals

7.—(1) Subject to this section, any approval given under section 6 may be suspended or revoked by the Minister where,

- (a) any director, officer or employee of the approved corporation has contravened or knowingly permitted any person under the control and direction of the director, officer or employee, as the case may be, to contravene any provision of this Act or the regulations; or



- (b) the approval would be refused if application were being made for it in the first instance. 1971 (2nd Sess.), c. 11, s. 3, *part*; 1973, c. 77, s. 3 (1).

(2) Subject to subsection 10, where the Minister proposes to suspend or revoke an approval of a corporation given under this Act, the Minister shall, except where the approval is suspended or revoked with the consent of the approved corporation, serve notice of the Minister's proposal to suspend or revoke the approval, together with written reasons therefor, on the approved corporation.

Notice of proposal to suspend or revoke

(3) A notice under subsection 2 shall inform the approved corporation that it is entitled to a hearing under this section if the corporation mails or delivers, within fifteen days after the notice under subsection 2 is served on it, notice in writing, to the Minister requiring a hearing and the corporation may so require a hearing.

Notice requiring hearing

(4) Where the approved corporation does not require a hearing under this section in accordance with subsection 5, the Minister may carry out the proposal stated in the Minister's notice under subsection 2 without a hearing.

Powers of Minister where no hearing

(5) Where the approved corporation requires a hearing under subsection 3, the Minister shall cause a hearing to be held to determine whether the approval should be suspended or revoked.

Hearing

(6) Where the Minister causes a hearing to be held, the hearing shall be held by a person or persons appointed by the Minister other than a person or persons in the employment of the Ministry. *New.*

Idem

(7) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section. 1971 (2nd Sess.), c. 11, s. 3, *part, amended.*

Application of 1971, c. 47

(8) The person or persons holding a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out,

Report to Minister

- (a) the findings of fact and any information or knowledge used by the person or persons in making any recommendations, any conclusions of law arrived at relevant to the recommendations; and
- (b) the recommendations of the person or persons as to the suspension or revocation of the approval,

and shall send a copy of the report to the persons affected by the report.

Decision of  
Minister

(9) After considering a report made under this section, the Minister may suspend or revoke the approval to which the report relates and shall give notice of the Minister's decision to the persons affected, specifying the reasons therefor.

Provisional  
suspension  
of approval

(10) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the public interest and the Minister so states in such notice giving reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 9 apply. 1971 (2nd Sess.) c. 11, s. 3, *part, amended*.

Payments

8.—(1) There shall be paid to every municipality an amount determined in accordance with the regulations towards the cost incurred,

(a) for the operation and maintenance of a day nursery established by the municipality; and

(b) under an agreement entered into pursuant to,

(i) subsection 3 of section 3, or

(ii) subsection 2 of section 4, or subsection 1 of section 5. 1971, c. 93, s. 3, *part*; 1971 (2nd Sess.), c. 11, s. 4 (1); 1973, c. 77, s. 4 (1), *amended*.

Payments  
to bands

(2) There shall be paid to every band an amount determined in accordance with the regulations towards the cost incurred,

(a) for the operation and maintenance of a day nursery established by the council of the band; and

(b) under agreements entered into by the council of the band,

(i) with the operator of a day nursery for the furnishing of services for such children as is agreed upon,

(ii) with any person for the furnishing of private-home day care, or

(iii) with any person to purchase in-home services for a child. 1971, c. 93, s. 3, *part, amended*.

Payment  
to approved  
corpora-  
tions

(3) There shall be paid to every approved corporation an amount determined in accordance with the regulations for the



operation and maintenance of a day nursery maintained and operated by the corporation. 1971 (2nd Sess.), c. 11, s. 4 (2); 1973, c. 77, s. 4 (2), *amended*.

(4) An amount payable to a municipality, a band or an approved corporation under this section, Time and  
manner of  
payment

(a) shall be paid at the time or times and in the manner as is prescribed by the regulations; and



(b) may in special circumstances be paid in respect of persons,

(i) who are in receipt of private-home day care and have a developmental handicap, in addition to those persons described in clause *m* of section 1, and

(ii) who are under twelve years of age and are enrolled in a day nursery or in receipt of private-home day care and who do not have a developmental handicap, in addition to those persons described in subclause ii of clause *d* and clause *m* of section 1;

(c) shall, in respect of a child who is,

(i) enrolled in a day nursery and who attains the age of eighteen years where the child has a developmental handicap or attains the age of ten years in all other cases, or

(ii) is in receipt of private-home day care and attains the age of ten years,

be paid in respect of such child,

(iii) where the child attains such age after the commencement of the school year and before the 1st day of January in the school year, until the 1st day of January, or

(iv) where the child attains such age in a school year after the 1st day of January in the school year, until the completion of the school year. *New.*

9.—(1) Where the Minister has approved the erection of Capital  
payments a new building, an addition to an existing building, the

purchase or other acquisition of an existing building, the structural alteration or the renovation or the furnishing and equipping of a building by a municipality, band or approved corporation for use in whole or in part as a day nursery, the Minister may direct payment to the municipality, band or approved corporation, as the case may be, out of moneys appropriated therefor by the Legislature of an amount determined in accordance with the regulations towards the cost of the new building, addition, acquisition, structural alteration, renovation or furnishing and equipping, as the case may be, that is applicable to the day nursery. 1973, c. 77, s. 5, *amended*.

Time and  
manner of  
payment

(2) An amount payable to a municipality, a band or an approved corporation under this section shall be paid at the time or times and in the manner as is prescribed by the regulations. 1971 (2nd Sess.), c. 11, s. 5, *part, amended*.

Approval of  
sale, etc.

**10.**—(1) No municipality, band or approved corporation shall change the site, structure or use of, or sell, lease, mortgage or otherwise dispose of any part of or interest in any day nursery, in respect of which the municipality, band or approved corporation, as the case may be, has received payment under section 9, without the approval in writing of a Director, and such approval may be made subject to such conditions for repayment in whole or in part of any such payment as the Director considers advisable.

Recovery of  
whole or  
part of  
payment

(2) Where a municipality, band or approved corporation changes the site, structure or use of, or sells, leases, mortgages or otherwise disposes of any part of, or interest in any day nursery without the approval of a Director, or where such approval has been given, is in default of any condition for repayment imposed under subsection 1, the whole or any part of any payment under section 9 in respect of the day nursery may be recovered as a debt due to the Crown from the municipality, band or approved corporation, as the case may be,

- (a) out of moneys payable by Ontario to the municipality, band or approved corporation under the authority of any Act; or
- (b) by proceedings in any court of competent jurisdiction. 1971 (2nd Sess.), c. 11, s. 5, *part, amended*.

Licence  
required

**11.**—(1) No person shall establish, operate or maintain a day nursery or a private-home day care agency, as the case may be, except under the authority of a licence issued by a Director under this Act.

(2) Subject to section 12, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a day nursery or a private-home day care agency, as the case may be, and pays the prescribed fee is entitled to be issued a licence by a Director subject to such terms and conditions as the Director may prescribe. Issuance of licence

(3) Notwithstanding subsection 2, a licence to establish, operate or maintain a day nursery or a private-home day care agency shall not be issued to a partnership or association of persons. Idem

(4) Subject to section 12, a Director shall renew a licence of a day nursery or a private-home day care agency, as the case may be, on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee and the renewal shall be subject to such terms and conditions as the Director may prescribe. Renewal of licence

(5) Subject to section 12, where an applicant for a licence or a renewal of a licence does not meet all the requirements for the issuance of a licence or renewal thereof and requires time to meet such requirements, a Director may, subject to such terms and conditions as the Director may prescribe, issue a provisional licence for such period or periods as the Director considers necessary to afford the applicant an opportunity to meet the requirements. Provisional licence

(6) Notwithstanding the provisions of subsection 3, and subject to this Act and the regulations, a licence to operate a day nursery issued under *The Day Nurseries Act*, being chapter 104 of the Revised Statutes of Ontario, 1970, before this Act comes into force shall be deemed to continue until the expiration thereof unless sooner surrendered or revoked. Licence to continue

(7) A licence is not transferable. Not transferable

(8) Where the licensee is a corporation, the licensee shall notify a Director in writing within fifteen days of any change in the officers or directors of the corporation. *New.* Notice of change

**12.—**(1) Subject to section 13, a Director may refuse to issue a licence where in the Director's opinion, Grounds for refusal

- (a) the applicant or any employee of the applicant or, where the applicant is a corporation, its officers, directors or employees is or are not competent to establish, operate or maintain a day nursery or a

private-home day care agency, as the case may be, in a responsible manner in accordance with this Act and the regulations;

- (b) the past conduct of the applicant or any employee of the applicant or, where the applicant is a corporation, of its officers, directors or employees, affords reasonable grounds for belief that the day nursery or the private-home day care agency, as the case may be, will not be established, operated or maintained in accordance with this Act and the regulations; or
  - (c) the building or buildings or accommodation in which the applicant proposes to establish, operate or maintain the day nursery or provide private-home day care, as the case may be, does not comply with the requirements of this Act and the regulations.
- 1971, c. 50, s. 25 (2), *part, amended*.

Revocation  
or refusal  
to renew

(2) Subject to section 13, a Director may refuse to renew or may revoke a licence issued to a day nursery or a private-home day care agency, where in the Director's opinion,

- (a) the licensee or any employee of the licensee, or where the licensee is a corporation, any officer, director or employee thereof, has contravened or has knowingly permitted any person under the control or direction of or associated with the licensee, officer, director or employee, as the case may be, to contravene,
  - (i) any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the establishment, operation or maintenance of the day nursery or the provision of private-home day care, as the case may be, or
  - (ii) any term or condition of the licence;
- (b) the building or buildings or accommodation in which the day nursery is established, operated or maintained or the private-home day care is provided, does not comply with the requirements of this Act and the regulations;
- (c) the day nursery is established, operated or maintained or the private-home day care is provided in a manner that is prejudicial to the health, safety or welfare of the children cared for in the day nursery



or in the place or places where private-home day care is provided;

- (d) any person has made a false statement in the application for the licence or renewal thereof, or in any report, document or other information required to be furnished by this Act or the regulations or by any other Act or regulation that applies to the day nursery or private-home day care agency, as the case may be; or
- (e) a change in the officers or directors of the applicant would, if the applicant were applying for the licence in the first instance, afford grounds for refusing to issue a licence under clause *b* of subsection 1. 1971, c. 50, s. 25 (2), *part, amended*.

**13.**—(1) Where a Director proposes under section 12 to refuse to issue a licence or to refuse to renew or revoke a licence issued under that section, the Director shall cause notice to be served of the Director's proposal together with written reasons therefor, on the applicant or the licensee, as the case may be. Notice of proposal to refuse to issue or to revoke

(2) A notice under subsection 1 shall inform the applicant or licensee, as the case may be, that the applicant or licensee is entitled to a hearing by the Board if the applicant or licensee mails or delivers, within fifteen days, after the notice is served on the applicant or licensee, notice in writing to the Director and to the Board, requiring a hearing and the applicant or licensee, as the case may be, may so require such a hearing. 1971, c. 50, s. 25 (2), *part, amended*. Notice requiring hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in the Director's notice under subsection 1 without a hearing. Powers of Director where no hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, at the hearing, may by order direct the Director to carry out the Director's proposal or refrain from carrying out the Director's proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and, for such purposes, the Board may substitute its opinion for that of the Director. Powers of Board where hearing

(5) Sections 8, 10 and 11 of *The Children's Residential Services Act, 1978* apply with necessary modifications to Application of 1978, c. ...

proceedings before the Board, to the powers of the Board under this Act and to appeals therefrom. *New.*

Continuation  
of licence  
pending  
renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before expiration of a licence, a licensee has applied for renewal of a licence and paid the prescribed fee, the licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where the licensee is served with notice that the Director proposes to refuse to grant the renewal, until the time for requiring a hearing has expired and, where a hearing is required, until the Board has made its decision.

Review of  
terms of  
licence by  
Board

14.—(1) Where a licensee is dissatisfied with the terms and conditions prescribed by a Director under subsection 2, 4 or 5 of section 11, the licensee may, within 15 days after the licence is received by the licensee, by written notice given to the Director and the Board, require a hearing by the Board and the Board shall appoint a time for and hold a hearing.

Decision of  
Board

(2) The Board, pursuant to a hearing under subsection 1, may affirm the terms and conditions prescribed for the licence by a Director under subsection 2, 4 or 5 of section 11 or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in lieu of those prescribed by the Director as it considers proper. 1971, c. 50, s. 25 (2), *part, amended.*

Receipt

(3) For the purposes of subsection 1, a licence shall be deemed to be received by a licensee on the tenth day after the day of mailing of the licence unless the person to whom the licence is issued establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the licence until a later date. *New.*

Directions  
where  
threat to  
children

15.—(1) Where, in the opinion of a Director, there is a threat to the health, safety or welfare of the children cared for in a day nursery or in receipt of private-home day care from a private-home day care agency, as the case may be, the Director shall,

(a) give such direction or directions in writing as the Director considers necessary to the operator or to any person on the premises of the day nursery or



premises where private-home day care is provided who appears to be in charge of the children being cared for, directing the operator or person in charge, as the case may be, immediately or within such period of time as the Director specifies to eliminate the threat to the health, safety, or welfare of the children or to protect the children from such threat,

and may,

- (b) direct in writing that the day nursery shall not be used as a day nursery or that private-home day care not be provided on the premises that is the subject of the direction referred to in clause *a* until the Director's direction or directions are complied with.

(2) Where the Director gives a direction under clause *b* of subsection 1, the Director may, Notice to parents, etc.

- (a) notify the parents or guardians of the children enrolled in the day nursery or in receipt of private-home day care, as the case may be, of the direction; and
- (b) cause to be affixed to the premises of the day nursery or premises where private-home day care is provided, as the case may be, a notice in the prescribed form and no person except the Director or a program adviser designated under section 16 shall remove the notice unless authorized by the Director or a program adviser.

(3) Notwithstanding section 13, where a direction is given by the Director under subsection 1, the licence of the day nursery or private-home day care agency, as the case may be, shall be deemed to be suspended without a hearing until the Director is satisfied that the direction has been complied with and upon suspension the provisions of section 13 apply as if the direction were a notice of a proposal to revoke the licence under subsection 1 of section 13. 1973, c. 77, s. 8, *amended*. Suspension of licence

**16.**—(1) The Minister may designate in writing any person to be a program adviser with such powers and duties for the purposes of this Act and the regulations and subject to such limitations, restrictions, conditions and requirements as the Program adviser

Minister may set out in the designation. R.S.O. 1970, c. 104, s. 15 (1), *amended*.

Remuneration and expenses

(2) The remuneration and expenses of any person appointed under subsection 1 who is not in the employ of the public service of Ontario shall be fixed by the Minister and shall be paid out of the moneys appropriated therefor by the Legislature.

Powers of program advisers

(3) A program adviser may at all reasonable times and upon producing proper identification enter any day nursery or any private-home day care agency or premises used by a private-home day care agency to provide private-home day care, or any premises that the program adviser on reasonable and probable grounds believes is being used as a day nursery or private-home day care agency or is being used to provide private-home day care by a private-home day care agency and inspect the facilities, the services provided and the books of account, and other records in any such premises. *New*.

Access for inspections

(4) Every person when requested so to do by a program adviser shall permit the entry and inspection by the program adviser of the premises referred to in subsection 3 and shall produce and permit inspection of the books of account, enrolment records and other records therein and supply extracts therefrom. R.S.O. 1970, c. 104, s. 15 (2), *amended*.

Obstructing inspection

(5) No person shall hinder or obstruct a program adviser in the performance of the program adviser's duties or refuse to permit the program adviser to carry out such duties or refuse to furnish the program adviser with information or furnish the program adviser with false information. 1971 (2nd Sess.), c. 11, s. 6, *amended*.

Injunction proceedings

**17.**—(1) A Director may apply to the Supreme Court by originating notice for an order enjoining any person acting in contravention of subsection 1 of section 11 or subsection 1 of section 15, and the court in its discretion may make such an order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court.

Idem

(2) Any person may apply to the Supreme Court for an order varying or discharging any order made under subsection 1. 1973, c. 77, s. 11, *amended*.

Regulations

**18.** The Lieutenant Governor in Council may make regulations governing the management, operation and use of

day nurseries and private-home day care agencies and classes of either of them and premises where private-home day care is provided by a private-home day care agency and without limiting the generality of the foregoing may make regulations,

- (a) defining “common parentage” for the purpose of clause *d* of section 1;
- (b) governing the accommodation, facilities, equipment and services to be provided in,
  - (i) day nurseries, and
  - (ii) premises where private-home day care is provided by a private-home day care agency, or any class thereof;
- (c) governing the establishment, construction, alteration and renovation of,
  - (i) day nurseries, and
  - (ii) premises where private-home day care is provided by a private-home day care agency, or any class thereof;
- (d) prescribing the conditions to be maintained in private residences where private-home day care is furnished under an agreement between a municipality, a council of the band or the Minister and any person;
- (e) providing for the inspection of private residences in which private-home day care is furnished under an agreement between a municipality, the council of the band or the Minister and any person;
- (f) prescribing the qualifications of persons supervising children in a day nursery or any class thereof or on a premises where private-home day care is provided under an agreement between a municipality, the council of the band or the Minister and any person;
- (g) establishing and approving courses of instruction for persons supervising children in day nurseries or any class thereof or on premises where private-home day care is provided and providing for the granting of certificates to those persons who have satisfactorily completed the course of instruction or who otherwise meet the prescribed qualifications;

- (h) governing the issuance, renewal and expiration of licences and the fees payable by an applicant for a licence or renewal thereof;
- (i) governing applications by municipalities, bands and approved corporations for payments under this Act and prescribing the method, time, manner and the terms and conditions for the payment thereof and providing for the suspension and withholding of payment and for the making of deductions from payments;
- (j) requiring the approval of the Minister of budgets submitted and expenditures incurred for the purposes of this Act and the regulations by municipalities, bands and approved corporations;
- (k) prescribing classes of corporations with members that may be approved under section 6 and specifying corporations not members of such classes that may be approved under section 6;
- (l) prescribing classes of payment for the purposes of section 8 and determining the amount of any such payment;
- (m) prescribing the manner of computing costs for the purposes of sections 8 and 9;
- (n) prescribing classes of capital payment for the purposes of section 9, the circumstances under which any such payment or class thereof may be paid, and determining the amounts of any such payments or classes thereof;
- (o) prescribing the accounts and records to be kept, claims, returns, and reports to be made and information to be provided and requiring budgets to be submitted by municipalities, bands, approved corporations, private-home day care agencies and day nurseries and prescribing to whom such information is to be provided;
- (p) governing the confidentiality of,
  - (i) accounts and records required to be kept and claims, returns and reports to be made under this Act and the regulations, and
  - (ii) information provided to a day nursery or a private-home day care agency;



- (q) prescribing the amounts to be contributed towards the cost of private-home day care or services provided in a day nursery on behalf of persons in receipt of such services, and prescribing persons required to contribute such amounts;
- (r) prescribing forms and providing for their use;
- (s) prescribing additional powers and duties of a Director;
- (t) prescribing the terms and conditions upon which in-home services or any class thereof may be provided and prescribing the class or classes of persons who may be eligible for such in-home services;
- (u) for the purposes of this Act and the regulations, defining "services" and "facilities" and prescribing classes of services and facilities;
- (v) prescribing terms and conditions to be included in any agreement entered into under section 3, 4 or 5;
- (w) exempting designated approved corporations, day nurseries, municipalities, bands, or private-home day care agencies from specified provisions of this Act or the regulations for such period or periods of time as the regulations prescribe;
- (x) governing the fees that shall be charged for services provided for private-home day care or in a day nursery;
- (y) prescribing additional powers and duties of program advisers;
- (z) prescribing "special circumstances" for the purposes of clause b of subsection 4 of section 8. R.S.O. 1970, c. 104, s. 16; 1971, c. 50, s. 25 (3); 1971, c. 93, s. 4; 1971 (2nd Sess.), c. 11, s. 7; 1973, c. 77, s. 9, *amended*.

**19.** An application for assistance towards the cost of private-home day care or services provided in a day nursery on behalf of persons in receipt of such services may be made, Application  
for  
assistance

- (a) where the services are provided in a day nursery operated by a municipality, band or approved corporation or under an agreement entered into under subsection 3 of section 3, to the person who plans

and directs the program of the day nursery and who is in charge of the children;

- (b) where the assistance is for private-home day care under an agreement entered into under subsection 3 of section 4, to the person who plans and directs the day care program and carries out visits of inspection;
- (c) to a municipal welfare administrator, a regional welfare administrator or a welfare administrator for an approved band, as the case may be; or
- (d) to any person designated in writing by the Minister.

*New.*

Service

**20.**—(1) Unless otherwise provided for in this Act or the regulations, any notice required to be given, delivered, filed or served under this Act or the regulations is sufficiently given, delivered, filed or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person's last known address.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the tenth day after the day of mailing unless the person on whom service is being made establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice until a later date. *New.*

Offence

**21.**—(1) Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;
- (b) contravenes the provisions of subsection 1 of section 11;
- (c) fails to comply with a direction of the Director under section 15; or
- (d) fails to comply with an order made by a court under section 17,

and every director, officer or employee of a corporation who knowingly concurs in such contravention or failure by the



corporation is guilty of an offence and on summary conviction by the court is liable to a fine of not more than \$1,000 for each day on which such offence continues or to imprisonment for a term of not more than one year, or to both.

(2) Every person who contravenes the provisions of <sup>Idem</sup> section 16 and every director, officer or employee of a corporation who knowingly concurs in such contravention by the corporation is guilty of an offence and on summary conviction by the court is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both. R.S.O. 1970, c. 104, s. 17 (2), *amended*.

**22.** The following are repealed:

Repeals

1. *The Day Nurseries Act*, being chapter 104 of the Revised Statutes of Ontario, 1970.
2. *The Day Nurseries Amendment Act, 1971*, being chapter 93.
3. *The Day Nurseries Amendment Act, 1971* (No. 2), being chapter 11.
4. *The Day Nurseries Amendment Act, 1973*, being chapter 77.
5. Subsections 2 and 3 of section 25 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

**23.** This Act comes into force on a day to be named by <sup>Commence-</sup> proclamation of the Lieutenant Governor. <sup>ment</sup>

**24.** The short title of this Act is *The Day Nurseries Act*, <sup>Short title</sup> 1978.





An Act to revise  
The Day Nurseries Act

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*1st Reading*

June 8th, 1978

*2nd Reading*

June 20th, 1978

*3rd Reading*

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THE HON. KEITH C. NORTON  
Minister of Community and  
Social Services

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*(Reprinted as amended by the  
Social Development Committee)*

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

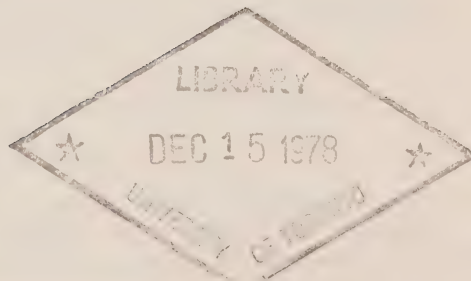
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**An Act to revise The Day Nurseries Act**

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THE HON. KEITH C. NORTON  
Minister of Community and Social Services

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## BILL 120

1978

## An Act to revise The Day Nurseries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpre-  
tation

(a) “approved corporation” means a corporation that,

(i) has been approved under section 6, and

(ii) that is specified in the regulations or that is a member of a class prescribed in the regulations;

(b) “band” and “council of the band” have the same meaning as in the *Indian Act* (Canada);

R.S.C. 1970,  
c. I-6

(c) “Board” means the Children’s Services Review Board established under *The Children’s Residential Services Act, 1978*; 1978, c. ...

(d) “day nursery” means a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are,

(i) under eighteen years of age in the case of a day nursery for children with a developmental handicap, and

(ii) under ten years of age in all other cases,

but does not include,

(iii) part of a public school, separate school, private school or a school for trainable retarded children under *The Education Act, 1974*, 1974, c. 109

1974, c. 120

R.S.O. 1970,  
c. 68

- (iv) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to section 8b of *The Ministry of Culture and Recreation Act, 1974*, or
- (v) a children's mental health centre under *The Children's Mental Health Services Act, 1978*;
- (e) "developmental handicap" means a condition of mental impairment present or occurring during a person's formative years, that is associated with limitations in adaptive behaviour;
- (f) "Director" means an employee of the Ministry appointed by the Minister as a director for all or any of the purposes of this Act;
- (g) "in-home services" means services provided for a child,
  - (i) in the child's own home, or
  - (ii) in a place other than the child's own home where the child is receiving residential care;
- (h) "licence" means a licence issued under this Act;
- (i) "Minister" means the Minister of Community and Social Services;
- (j) "Ministry" means the Ministry of Community and Social Services;
- (k) "municipality" means a city, town, village, township or county and includes a metropolitan municipality, but does not include a local municipality in a metropolitan municipality;
- (l) "operator" means a person who has control or management of a day nursery or a private-home day care agency and "operate" has a corresponding meaning;
- (m) "private-home day care" means the temporary care for reward or compensation of five children or less who are under ten years of age where such care is provided in a private residence, other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours;
- (n) "private-home day care agency" means a person who provides private-home day care at more than one location;

- (o) "regulations" means the regulations made under this Act;
- (p) "residential care" means boarding or lodging, or both, and may include specialized, sheltered or group care in conjunction with the boarding or lodging, or both. 1971 (2nd Sess.), c. 11, s. 1; 1972, c. 1, s. 1; 1973, c. 77, s. 1, *amended*.

**2.—**(1) The Minister may appoint one or more persons to act as a Director. *New.* Appoint-  
ment of  
Director

(2) A Director shall perform the duties imposed and may exercise the powers conferred upon a Director by this Act or the regulations or by any other Act or regulation thereunder. 1973, c. 77, s. 6, *amended*. Duties of  
Director

(3) Where a Director is absent or there is a vacancy in the office of a Director, the powers and duties of the Director shall be exercised and performed by such employee of the Ministry as the Minister may designate. R.S.O. 1970, c. 104, s. 4 (2), *amended*. Acting  
Director

**3.—**(1) The council of a municipality may, subject to this Act and the regulations, by by-law provide for the establishment of day nurseries. Establish-  
ment of  
day  
nurseries by  
municipalities

(2) The council of a municipality may pass by-laws granting aid to day nurseries. By-laws re  
grants

(3) The council of a municipality may, subject to this Act and the regulations, enter into an agreement with the operator of a day nursery for the furnishing of day nursery services for such children as is agreed upon, and the municipality may make expenditures as are necessary for the purpose. R.S.O. 1970, c. 104, s. 2 (1-3), *amended*. Agree-  
ments to  
provide day  
nurseries

(4) The Minister may, Establish-  
ment, etc.,  
of day  
nurseries by  
Minister

(a) with the approval of the Lieutenant Governor in Council, establish day nurseries in areas without municipal organization;

(b) enter into an agreement with the operator of a day nursery for the furnishing of day nursery services for such children residing in areas without municipal organization as is agreed upon; and

(c) direct payment of expenditures as are necessary for the purposes of clauses *a* and *b*. 1971 (2nd Sess.), c. 11, s. 2, *amended*.

**4.—**(1) The council of a municipality may pass by-laws granting aid to any person providing private-home day care. By-laws re  
grant

Agreement  
to furnish  
private-  
home day  
care

(2) The council of a municipality may enter into an agreement with any person for the furnishing of private-home day care, and the municipality may make expenditures as are necessary for the purpose.

Agreement  
with  
Minister

(3) The Minister may enter into an agreement with any person for furnishing private-home day care in areas without municipal organization and may direct payment of expenditures as are necessary for the purpose. 1971, c. 93, s. 2, *amended*.

Agreement  
to purchase  
in-home  
services

**5.**—(1) The council of a municipality may enter into an agreement to purchase in-home services for a child from any person and may direct payment of expenditures as are necessary for the purpose.

Idem

(2) The Minister may enter into an agreement to purchase in-home services for a child from any person and may direct payment of expenditures as are necessary for the purpose.

Agreement  
to purchase  
services

(3) The Minister may enter into an agreement to purchase services for a child enrolled in a day nursery or in receipt of private-home day care and may direct payment of expenditures as are necessary for the purpose. *New*.

Approval of  
corpora-  
tions

**6.**—(1) Where the Minister is satisfied that any corporation is, with financial assistance under this Act and the regulations, financially capable of establishing, maintaining and operating a day nursery and that its affairs are carried on under competent management in good faith, the Minister may approve the corporation for the payment of grants under this Act and the regulations. 1973, c. 77, s. 2, *amended*.

Funding of  
corporations

(2) Where the Minister intends to approve a corporation under subsection 1 the Minister may enter into an agreement with the corporation for the establishment of a day nursery upon such terms and conditions as may be agreed and may direct payment of expenditures as are necessary for the purpose. *New*.

Suspension  
and  
revocation  
of approvals

**7.**—(1) Subject to this section, any approval given under section 6 may be suspended or revoked by the Minister where,

- (a) any director, officer or employee of the approved corporation has contravened or knowingly permitted any person under the control and direction of the director, officer or employee, as the case may be, to contravene any provision of this Act or the regulations; or



- (b) the approval would be refused if application were being made for it in the first instance. 1971 (2nd Sess.), c. 11, s. 3, *part*; 1973, c. 77, s. 3 (1).

(2) Subject to subsection 10, where the Minister proposes to suspend or revoke an approval of a corporation given under this Act, the Minister shall, except where the approval is suspended or revoked with the consent of the approved corporation, serve notice of the Minister's proposal to suspend or revoke the approval, together with written reasons therefor, on the approved corporation.

Notice of  
proposal  
to suspend  
or revoke

(3) A notice under subsection 2 shall inform the approved corporation that it is entitled to a hearing under this section if the corporation mails or delivers, within fifteen days after the notice under subsection 2 is served on it, notice in writing, to the Minister requiring a hearing and the corporation may so require a hearing.

Notice  
requiring  
hearing

(4) Where the approved corporation does not require a hearing under this section in accordance with subsection 5, the Minister may carry out the proposal stated in the Minister's notice under subsection 2 without a hearing.

Powers of  
Minister  
where no  
hearing

(5) Where the approved corporation requires a hearing under subsection 3, the Minister shall cause a hearing to be held to determine whether the approval should be suspended or revoked.

Hearing

(6) Where the Minister causes a hearing to be held, the hearing shall be held by a person or persons appointed by the Minister other than a person or persons in the employment of the Ministry. *New.*

Idem

(7) Sections 4 to 16 and 21 to 24 of *The Statutory Powers Procedure Act, 1971* apply with respect to a hearing under this section. 1971 (2nd Sess.), c. 11, s. 3, *part, amended.*

Applica-  
tion of  
1971, c. 47

(8) The person or persons holding a hearing under this section shall, at the conclusion of the hearing, make a report to the Minister setting out,

Report to  
Minister

- (a) the findings of fact and any information or knowledge used by the person or persons in making any recommendations, any conclusions of law arrived at relevant to the recommendations; and
- (b) the recommendations of the person or persons as to the suspension or revocation of the approval,

and shall send a copy of the report to the persons affected by the report.



Decision of  
Minister

(9) After considering a report made under this section, the Minister may suspend or revoke the approval to which the report relates and shall give notice of the Minister's decision to the persons affected, specifying the reasons therefor.

Provisional  
suspension  
of approval

(10) Notwithstanding anything in this section, the Minister, by notice to the persons affected and without a hearing, may provisionally suspend an approval given under this Act where the continuation of operations in accordance with the approval is, in the Minister's opinion, an immediate threat to the public interest and the Minister so states in such notice giving reasons therefor, and thereafter the Minister shall cause a hearing to be held and the provisions of subsections 2 to 9 apply. 1971 (2nd Sess.) c. 11, s. 3, *part, amended*.

Payments

8.—(1) There shall be paid to every municipality an amount determined in accordance with the regulations towards the cost incurred,

- (a) for the operation and maintenance of a day nursery established by the municipality; and
- (b) under an agreement entered into pursuant to,
  - (i) subsection 3 of section 3, or
  - (ii) subsection 2 of section 4, or subsection 1 of section 5. 1971, c. 93, s. 3, *part*; 1971 (2nd Sess.), c. 11, s. 4 (1); 1973, c. 77, s. 4 (1), *amended*.

Payments  
to bands

(2) There shall be paid to every band an amount determined in accordance with the regulations towards the cost incurred,

- (a) for the operation and maintenance of a day nursery established by the council of the band; and
- (b) under agreements entered into by the council of the band,
  - (i) with the operator of a day nursery for the furnishing of services for such children as is agreed upon,
  - (ii) with any person for the furnishing of private-home day care, or
  - (iii) with any person to purchase in-home services for a child. 1971, c. 93, s. 3, *part, amended*.

Payment  
to approved  
corpora-  
tions

(3) There shall be paid to every approved corporation an amount determined in accordance with the regulations for the

operation and maintenance of a day nursery maintained and operated by the corporation. 1971 (2nd Sess.), c. 11, s. 4 (2); 1973, c. 77, s. 4 (2), *amended*.

(4) An amount payable to a municipality, a band or an approved corporation under this section, Time and  
manner of  
payment

(a) shall be paid at the time or times and in the manner as is prescribed by the regulations; and

(b) may in special circumstances be paid in respect of persons,

(i) who are in receipt of private-home day care and have a developmental handicap, in addition to those persons described in clause *m* of section 1, and

(ii) who are under twelve years of age and are enrolled in a day nursery or in receipt of private-home day care and who do not have a developmental handicap, in addition to those persons described in subclause ii of clause *d* and clause *m* of section 1;

(c) shall, in respect of a child who is,

(i) enrolled in a day nursery and who attains the age of eighteen years where the child has a developmental handicap or attains the age of ten years where the child does not have a developmental handicap,

(ii) in receipt of private-home day care and attains the age of ten years,

(iii) a person referred to in subclause i of clause *b* where there are special circumstances, and who attains the age of eighteen years, or

(iv) a person referred to in subclause ii of clause *b* where there are special circumstances, and who attains the age of twelve years,

be paid in respect of such child,

(v) where the child attains such age after the commencement of the school year and before the 1st day of January in the school year, until the 1st day of January, or

(vi) where the child attains such age in a school year after the 1st day of January in the

school year, until the completion of the school year. *New.*

Capital  
payments

**9.**—(1) Where the Minister has approved the erection of a new building, an addition to an existing building, the purchase or other acquisition of an existing building, the structural alteration or the renovation or the furnishing and equipping of a building by a municipality, band or approved corporation for use in whole or in part as a day nursery, the Minister may direct payment to the municipality, band or approved corporation, as the case may be, out of moneys appropriated therefor by the Legislature of an amount determined in accordance with the regulations towards the cost of the new building, addition, acquisition, structural alteration, renovation or furnishing and equipping, as the case may be, that is applicable to the day nursery. 1973, c. 77, s. 5, *amended.*

Time and  
manner of  
payment

(2) An amount payable to a municipality, a band or an approved corporation under this section shall be paid at the time or times and in the manner as is prescribed by the regulations. 1971 (2nd Sess.), c. 11, s. 5, *part, amended.*

Approval of  
sale, etc.

**10.**—(1) No municipality, band or approved corporation shall change the site, structure or use of, or sell, lease, mortgage or otherwise dispose of any part of or interest in any day nursery, in respect of which the municipality, band or approved corporation, as the case may be, has received payment under section 9, without the approval in writing of a Director, and such approval may be made subject to such conditions for repayment in whole or in part of any such payment as the Director considers advisable.

Recovery of  
whole or  
part of  
payment

(2) Where a municipality, band or approved corporation changes the site, structure or use of, or sells, leases, mortgages or otherwise disposes of any part of, or interest in any day nursery without the approval of a Director, or where such approval has been given, is in default of any condition for repayment imposed under subsection 1, the whole or any part of any payment under section 9 in respect of the day nursery may be recovered as a debt due to the Crown from the municipality, band or approved corporation, as the case may be,

(a) out of moneys payable by Ontario to the municipality, band or approved corporation under the authority of any Act; or

(b) by proceedings in any court of competent jurisdiction. 1971 (2nd Sess.), c. 11, s. 5, *part, amended.*

Licence  
required

**11.**—(1) No person shall establish, operate or maintain a day nursery or a private-home day care agency, as the case

may be, except under the authority of a licence issued by a Director under this Act.

(2) Subject to section 12, any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a day nursery or a private-home day care agency, as the case may be, and pays the prescribed fee is entitled to be issued a licence by a Director subject to such terms and conditions as the Director may prescribe. Issuance of licence

(3) Notwithstanding subsection 2, a licence to establish, operate or maintain a day nursery or a private-home day care agency shall not be issued to a partnership or association of persons. Idem

(4) Subject to section 12, a Director shall renew a licence of a day nursery or a private-home day care agency, as the case may be, on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee and the renewal shall be subject to such terms and conditions as the Director may prescribe. Renewal of licence

(5) Subject to section 12, where an applicant for a licence or a renewal of a licence does not meet all the requirements for the issuance of a licence or renewal thereof and requires time to meet such requirements, a Director may, subject to such terms and conditions as the Director may prescribe, issue a provisional licence for such period or periods as the Director considers necessary to afford the applicant an opportunity to meet the requirements. Provisional licence

(6) Notwithstanding the provisions of subsection 3, and subject to this Act and the regulations, a licence to operate a day nursery issued under *The Day Nurseries Act*, being chapter 104 of the Revised Statutes of Ontario, 1970, before this Act comes into force shall be deemed to continue until the expiration thereof unless sooner surrendered or revoked. Licence to continue

(7) A licence is not transferable. Not transferable

(8) Where the licensee is a corporation, the licensee shall notify a Director in writing within fifteen days of any change in the officers or directors of the corporation. *New.* Notice of change

**12.—**(1) Subject to section 13, a Director may refuse to issue a licence where in the Director's opinion, Grounds for refusal

- (a) the applicant or any employee of the applicant or, where the applicant is a corporation, its officers, directors or employees is or are not competent to establish, operate or maintain a day nursery or a



private-home day care agency, as the case may be, in a responsible manner in accordance with this Act and the regulations;

- (b) the past conduct of the applicant or any employee of the applicant or, where the applicant is a corporation, of its officers, directors or employees, affords reasonable grounds for belief that the day nursery or the private-home day care agency, as the case may be, will not be established, operated or maintained in accordance with this Act and the regulations; or
  - (c) the building or buildings or accommodation in which the applicant proposes to establish, operate or maintain the day nursery or provide private-home day care, as the case may be, does not comply with the requirements of this Act and the regulations.
- 1971, c. 50, s. 25 (2), *part, amended*.

Revocation  
or refusal  
to renew

(2) Subject to section 13, a Director may refuse to renew or may revoke a licence issued to a day nursery or a private-home day care agency, where in the Director's opinion,

- (a) the licensee or any employee of the licensee, or where the licensee is a corporation, any officer, director or employee thereof, has contravened or has knowingly permitted any person under the control or direction of or associated with the licensee, officer, director or employee, as the case may be, to contravene,
  - (i) any provision of this Act or the regulations or of any other Act or the regulations thereunder applying to the establishment, operation or maintenance of the day nursery or the provision of private-home day care, as the case may be, or
  - (ii) any term or condition of the licence;
- (b) the building or buildings or accommodation in which the day nursery is established, operated or maintained or the private-home day care is provided, does not comply with the requirements of this Act and the regulations;
- (c) the day nursery is established, operated or maintained or the private-home day care is provided in a manner that is prejudicial to the health, safety or welfare of the children cared for in the day nursery

or in the place or places where private-home day care is provided;

- (d) any person has made a false statement in the application for the licence or renewal thereof, or in any report, document or other information required to be furnished by this Act or the regulations or by any other Act or regulation that applies to the day nursery or private-home day care agency, as the case may be; or
- (e) a change in the officers or directors of the applicant would, if the applicant were applying for the licence in the first instance, afford grounds for refusing to issue a licence under clause *b* of subsection 1. 1971, c. 50, s. 25 (2), *part, amended*.

**13.**—(1) Where a Director proposes under section 12 to refuse to issue a licence or to refuse to renew or revoke a licence issued under that section, the Director shall cause notice to be served of the Director's proposal together with written reasons therefor, on the applicant or the licensee, as the case may be. Notice of proposal to refuse to issue or to revoke

(2) A notice under subsection 1 shall inform the applicant or licensee, as the case may be, that the applicant or licensee is entitled to a hearing by the Board if the applicant or licensee mails or delivers, within fifteen days, after the notice is served on the applicant or licensee, notice in writing to the Director and to the Board, requiring a hearing and the applicant or licensee, as the case may be, may so require such a hearing. 1971, c. 50, s. 25 (2), *part, amended*. Notice requiring hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in the Director's notice under subsection 1 without a hearing. Powers of Director where no hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, at the hearing, may by order direct the Director to carry out the Director's proposal or refrain from carrying out the Director's proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and, for such purposes, the Board may substitute its opinion for that of the Director. Powers of Board where hearing

(5) Sections 8, 10 and 11 of *The Children's Residential Services Act, 1978* apply with necessary modifications to Application of 1978, c. ...



proceedings before the Board, to the powers of the Board under this Act and to appeals therefrom. *New.*

Continuation  
of licence  
pending  
renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before expiration of a licence, a licensee has applied for renewal of a licence and paid the prescribed fee, the licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where the licensee is served with notice that the Director proposes to refuse to grant the renewal, until the time for requiring a hearing has expired and, where a hearing is required, until the Board has made its decision.

Review of  
terms of  
licence by  
Board

**14.**—(1) Where a licensee is dissatisfied with the terms and conditions prescribed by a Director under subsection 2, 4 or 5 of section 11, the licensee may, within 15 days after the licence is received by the licensee, by written notice given to the Director and the Board, require a hearing by the Board and the Board shall appoint a time for and hold a hearing.

Decision of  
Board

(2) The Board, pursuant to a hearing under subsection 1, may affirm the terms and conditions prescribed for the licence by a Director under subsection 2, 4 or 5 of section 11 or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in lieu of those prescribed by the Director as it considers proper. 1971, c. 50, s. 25 (2), *part, amended.*

Receipt

(3) For the purposes of subsection 1, a licence shall be deemed to be received by a licensee on the tenth day after the day of mailing of the licence unless the person to whom the licence is issued establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the licence until a later date. *New.*

Directions  
where  
threat to  
children

**15.**—(1) Where, in the opinion of a Director, there is a threat to the health, safety or welfare of the children cared for in a day nursery or in receipt of private-home day care from a private-home day care agency, as the case may be, the Director shall,

(a) give such direction or directions in writing as the Director considers necessary to the operator or to any person on the premises of the day nursery or

premises where private-home day care is provided who appears to be in charge of the children being cared for, directing the operator or person in charge, as the case may be, immediately or within such period of time as the Director specifies to eliminate the threat to the health, safety, or welfare of the children or to protect the children from such threat,

and may,

- (b) direct in writing that the day nursery shall not be used as a day nursery or that private-home day care not be provided on the premises that is the subject of the direction referred to in clause *a* until the Director's direction or directions are complied with.

(2) Where the Director gives a direction under clause *b* of subsection 1, the Director may, Notice to parents, etc.

- (a) notify the parents or guardians of the children enrolled in the day nursery or in receipt of private-home day care, as the case may be, of the direction; and
- (b) cause to be affixed to the premises of the day nursery or premises where private-home day care is provided, as the case may be, a notice in the prescribed form and no person except the Director or a program adviser designated under section 16 shall remove the notice unless authorized by the Director or a program adviser.

(3) Notwithstanding section 13, where a direction is given by the Director under subsection 1, the licence of the day nursery or private-home day care agency, as the case may be, shall be deemed to be suspended without a hearing until the Director is satisfied that the direction has been complied with and upon suspension the provisions of section 13 apply as if the direction were a notice of a proposal to revoke the licence under subsection 1 of section 13. 1973, c. 77, s. 8, *amended*. Suspension of licence

**16.**—(1) The Minister may designate in writing any person to be a program adviser with such powers and duties for the purposes of this Act and the regulations and subject to such limitations, restrictions, conditions and requirements as the Program adviser

Minister may set out in the designation. R.S.O. 1970, c. 104, s. 15 (1), *amended*.

Remuneration and expenses

(2) The remuneration and expenses of any person appointed under subsection 1 who is not in the employ of the public service of Ontario shall be fixed by the Minister and shall be paid out of the moneys appropriated therefor by the Legislature.

Powers of program advisers

(3) A program adviser may at all reasonable times and upon producing proper identification enter any day nursery or any private-home day care agency or premises used by a private-home day care agency to provide private-home day care, or any premises that the program adviser on reasonable and probable grounds believes is being used as a day nursery or private-home day care agency or is being used to provide private-home day care by a private-home day care agency and inspect the facilities, the services provided and the books of account, and other records in any such premises. *New*.

Access for inspections

(4) Every person when requested so to do by a program adviser shall permit the entry and inspection by the program adviser of the premises referred to in subsection 3 and shall produce and permit inspection of the books of account, enrolment records and other records therein and supply extracts therefrom. R.S.O. 1970, c. 104, s. 15 (2), *amended*.

Obstructing inspection

(5) No person shall hinder or obstruct a program adviser in the performance of the program adviser's duties or refuse to permit the program adviser to carry out such duties or refuse to furnish the program adviser with information or furnish the program adviser with false information. 1971 (2nd Sess.), c. 11, s. 6, *amended*.

Injunction proceedings

**17.**—(1) A Director may apply to the Supreme Court by originating notice for an order enjoining any person acting in contravention of subsection 1 of section 11 or subsection 1 of section 15, and the court in its discretion may make such an order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court.

Idem

(2) Any person may apply to the Supreme Court for an order varying or discharging any order made under subsection 1. 1973, c. 77, s. 11, *amended*.

Regulations

**18.** The Lieutenant Governor in Council may make regulations governing the management, operation and use of

day nurseries and private-home day care agencies and classes of either of them and premises where private-home day care is provided by a private-home day care agency and without limiting the generality of the foregoing may make regulations,

- (a) defining "common parentage" for the purpose of clause *d* of section 1;
- (b) governing the accommodation, facilities, equipment and services to be provided in,
  - (i) day nurseries, and
  - (ii) premises where private-home day care is provided by a private-home day care agency, or any class thereof;
- (c) governing the establishment, construction, alteration and renovation of,
  - (i) day nurseries, and
  - (ii) premises where private-home day care is provided by a private-home day care agency,
 or any class thereof;
- (d) prescribing the conditions to be maintained in private residences where private-home day care is furnished under an agreement between a municipality, a council of the band or the Minister and any person;
- (e) providing for the inspection of private residences in which private-home day care is furnished under an agreement between a municipality, the council of the band or the Minister and any person;
- (f) prescribing the qualifications of persons supervising children in a day nursery or any class thereof or on a premises where private-home day care is provided under an agreement between a municipality, the council of the band or the Minister and any person;
- (g) establishing and approving courses of instruction for persons supervising children in day nurseries or any class thereof or on premises where private-home day care is provided and providing for the granting of certificates to those persons who have satisfactorily completed the course of instruction or who otherwise meet the prescribed qualifications;



- (h) governing the issuance, renewal and expiration of licences and the fees payable by an applicant for a licence or renewal thereof;
- (i) governing applications by municipalities, bands and approved corporations for payments under this Act and prescribing the method, time, manner and the terms and conditions for the payment thereof and providing for the suspension and withholding of payment and for the making of deductions from payments;
- (j) requiring the approval of the Minister of budgets submitted and expenditures incurred for the purposes of this Act and the regulations by municipalities, bands and approved corporations;
- (k) prescribing classes of corporations with members that may be approved under section 6 and specifying corporations not members of such classes that may be approved under section 6;
- (l) prescribing classes of payment for the purposes of section 8 and determining the amount of any such payment;
- (m) prescribing the manner of computing costs for the purposes of sections 8 and 9;
- (n) prescribing classes of capital payment for the purposes of section 9, the circumstances under which any such payment or class thereof may be paid, and determining the amounts of any such payments or classes thereof;
- (o) prescribing the accounts and records to be kept, claims, returns, and reports to be made and information to be provided and requiring budgets to be submitted by municipalities, bands, approved corporations, private-home day care agencies and day nurseries and prescribing to whom such information is to be provided;
- (p) governing the confidentiality of,
  - (i) accounts and records required to be kept and claims, returns and reports to be made under this Act and the regulations, and
  - (ii) information provided to a day nursery or a private-home day care agency;

- (q) prescribing the amounts to be contributed towards the cost of private-home day care or services provided in a day nursery on behalf of persons in receipt of such services, and prescribing persons required to contribute such amounts;
- (r) prescribing forms and providing for their use;
- (s) prescribing additional powers and duties of a Director;
- (t) prescribing the terms and conditions upon which in-home services or any class thereof may be provided and prescribing the class or classes of persons who may be eligible for such in-home services;
- (u) for the purposes of this Act and the regulations, defining "services" and "facilities" and prescribing classes of services and facilities;
- (v) prescribing terms and conditions to be included in any agreement entered into under section 3, 4 or 5;
- (w) exempting designated approved corporations, day nurseries, municipalities, bands, or private-home day care agencies from specified provisions of this Act or the regulations for such period or periods of time as the regulations prescribe;
- (x) governing the fees that shall be charged for services provided for private-home day care or in a day nursery;
- (y) prescribing additional powers and duties of program advisers;
- (z) prescribing "special circumstances" for the purposes of clause *b* of subsection 4 of section 8. R.S.O. 1970, c. 104, s. 16; 1971, c. 50, s. 25 (3); 1971, c. 93, s. 4; 1971 (2nd Sess.), c. 11, s. 7; 1973, c. 77, s. 9, *amended*.

**19.** An application for assistance towards the cost of private-home day care or services provided in a day nursery on behalf of persons in receipt of such services may be made, Application  
for  
assistance

- (a) where the services are provided in a day nursery operated by a municipality, band or approved corporation or under an agreement entered into under subsection 3 of section 3, to the person who plans



and directs the program of the day nursery and who is in charge of the children;

- (b) where the assistance is for private-home day care under an agreement entered into under subsection 3 of section 4, to the person who plans and directs the day care program and carries out visits of inspection;
- (c) to a municipal welfare administrator, a regional welfare administrator or a welfare administrator for an approved band, as the case may be; or
- (d) to any person designated in writing by the Minister.

*New.*

Service

**20.**—(1) Unless otherwise provided for in this Act or the regulations, any notice required to be given, delivered, filed or served under this Act or the regulations is sufficiently given, delivered, filed or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the person's last known address.

Idem

(2) Where service is made by mail, the service shall be deemed to be made on the tenth day after the day of mailing unless the person on whom service is being made establishes that the person did not receive it or did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice until a later date. *New.*

Offence

**21.**—(1) Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;
- (b) contravenes the provisions of subsection 1 of section 11;
- (c) fails to comply with a direction of the Director under section 15; or
- (d) fails to comply with an order made by a court under section 17,

and every director, officer or employee of a corporation who knowingly concurs in such contravention or failure by the

corporation is guilty of an offence and on summary conviction by the court is liable to a fine of not more than \$1,000 for each day on which such offence continues or to imprisonment for a term of not more than one year, or to both.

(2) Every person who contravenes the provisions of <sup>Idem</sup> section 16 and every director, officer or employee of a corporation who knowingly concurs in such contravention by the corporation is guilty of an offence and on summary conviction by the court is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than two years, or to both. R.S.O. 1970, c. 104, s. 17 (2), *amended*.

**22.** The following are repealed:

Repeals

1. *The Day Nurseries Act*, being chapter 104 of the Revised Statutes of Ontario, 1970.
2. *The Day Nurseries Amendment Act, 1971*, being chapter 93.
3. *The Day Nurseries Amendment Act, 1971 (No. 2)*, being chapter 11.
4. *The Day Nurseries Amendment Act, 1973*, being chapter 77.
5. Subsections 2 and 3 of section 25 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

**23.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. <sup>Commence-</sup>  
<sup>ment</sup>

**24.** The short title of this Act is *The Day Nurseries Act*, <sup>Short title</sup>  
1978.





An Act to revise  
The Day Nurseries Act

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*1st Reading*

June 8th, 1978

*2nd Reading*

June 20th, 1978

*3rd Reading*

November 30th, 1978

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THE HON. KEITH C. NORTON  
Minister of Community and  
Social Services

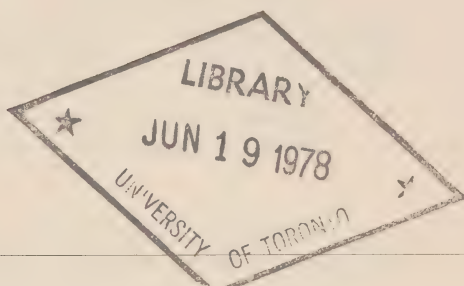
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B  
B 56

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

An Act respecting the Township of Pelee



THE HON. J. W. SNOW  
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The Bill allows the Township of Pelee to pass by-laws establishing a ferry service servicing the ports specified in the Bill and gives the Township the power to operate the service.

BILL 121

1978

## An Act respecting the Township of Pelee

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Township of Pelee may pass by-laws establishing a ferry service servicing the ports referred to in section 2, acquiring, operating, maintaining and disposing of the ferries, land, equipment and machinery in conjunction thereto and establishing the rates of ferriage to be taken thereon.

By-laws  
establish-  
ing ferry  
service

2. The Township of Pelee has the power to operate the ferry service referred to in section 1 between the Township of Pelee, the Towns of Leamington and Kingsville in the Province of Ontario and the City of Sandusky in the State of Ohio in the United States of America, in so far as the Legislative authority of the Legislature extends to confer such power.

Power to  
operate  
ferry  
service

3. This Act comes into force on the day it receives Royal Assent.

Commence-  
ment

4. The short title of this Act is *The Township of Pelee Act, 1978*.

Short title

An Act respecting the  
Township of Pelee

---

*1st Reading*

June 8th, 1978

*2nd Reading*

*3rd Reading*

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THE HON. J. W. SNOW  
Minister of Transportation and  
Communications

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*(Government Bill)*

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BILL 121

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

An Act respecting the Township of Pelee

THE HON. J. W. SNOW  
Minister of Transportation and Communications







BILL 121

1978

## An Act respecting the Township of Pelee

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Township of Pelee may pass by-laws establishing a ferry service servicing the ports referred to in section 2, acquiring, operating, maintaining and disposing of the ferries, land, equipment and machinery in conjunction thereto and establishing the rates of ferriage to be taken thereon.

2. The Township of Pelee has the power to operate the ferry service referred to in section 1 between the Township of Pelee, the Towns of Leamington and Kingsville in the Province of Ontario and the City of Sandusky in the State of Ohio in the United States of America, in so far as the Legislative authority of the Legislature extends to confer such power.

3. This Act comes into force on the day it receives Royal Assent.

4. The short title of this Act is *The Township of Pelee Act, 1978*.

An Act respecting the  
Township of Pelée

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*1st Reading*

June 8th, 1978

*2nd Reading*

June 16th, 1978

*3rd Reading*

June 16th, 1978

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THE HON. J. W. SNOW  
Minister of Transportation and  
Communications

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**BILL 122**

**Government Bill**

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend  
The Co-operative Corporations Act, 1973**



THE HON. L. GROSSMAN  
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTES

SECTION 1.—Subsection 1. The re-enactment provides that the incorporators of a co-operative should have the intention of becoming members of the co-operative.

Subsection 2. The provision being repealed requires that the articles of incorporation, where there is to be no share capital, set out the authorized loan capital. This will no longer be a requirement.

Subsection 3. The re-enactment is complementary to the re-enactment of section 5 (1) and requires that there be an affidavit verifying that each incorporator is to be a member of the co-operative.

BILL 122

1978

## An Act to amend The Co-operative Corporations Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 5 of *The Co-operative Corporations Act, 1973*, being chapter 101, is repealed and the following substituted therefor: s. 5 (1),  
re-enacted

(1) Five or more persons, being,

Articles of  
incorporation

(a) corporations; or

(b) natural persons who are of the age of eighteen years or more,

and who intend to be members of the co-operative, may incorporate a co-operative with or without share capital by signing and delivering to the Minister in duplicate articles of incorporation.

- (2) Subclause ii of clause *b* of subsection 3 of the said section 5 is repealed. s. 5 (3) (b) (ii),  
repealed

- (3) Subsection 6 of the said section 5 is repealed and the following substituted therefor: s. 5 (6),  
re-enacted

(6) The signature of each incorporator and of each first director and the fact that, Affidavits

(a) each incorporator who is a natural person and each first director is of the age of eighteen years or more; and

(b) each incorporator is to be a member of the co-operative,

shall be verified by affidavit.

s. 7 (5),  
re-enacted

2. Subsection 5 of section 7 of the said Act is repealed and the following substituted therefor:

Use of  
"Incor-  
porated",  
"Corpora-  
tion"

(5) Subject to subsection 6, the name of a co-operative incorporated after the 31st day of March, 1974 shall have the word "Incorporated" or "Corporation" or its corresponding abbreviation "Inc." or "Corp." as the last word thereof.

s. 24 (1) (d, e),  
re-enacted

- 3.—(1) Clauses *d* and *e* of subsection 1 of section 24 of the said Act are repealed and the following substituted therefor:

(d) where a member is a co-operative, the election or appointment of delegates and alternate delegates to represent the member co-operative on the basis of the number of members in the member co-operative or the volume of business done with the co-operative, or both;

(e) the method of electing or appointing delegates and the number of delegates.

s. 24 (3),  
re-enacted

- (2) Subsection 3 of the said section 24 is repealed and the following substituted therefor:

Qualification  
of delegates

(3) No person shall be elected or appointed a delegate who is not a member, officer or director of the co-operative or of a member co-operative.

s. 32 (1) (a),  
re-enacted

- 4.—(1) Clause *a* of subsection 1 of section 32 of the said Act is repealed and the following substituted therefor:

(a) with the consent of the holder thereof, may purchase all or a part of the shares in the co-operative held by any person upon payment of such an amount to that person as is agreed upon not exceeding the par value of the shares together with any dividends declared but unpaid.

s. 32 (3) (b) (ii),  
re-enacted

- (2) Subclause ii of clause *b* of subsection 3 of the said section 32 is repealed and the following substituted therefor:

(ii) the board of directors may resell the shares at such time as it determines for a consideration equal to the product of the number of shares resold multiplied by the par value thereof.

s. 33 (2),  
re-enacted

5. Subsection 2 of section 33 of the said Act is repealed and the following substituted therefor:



SECTION 2. The new section 7 (5) of the Act is reproduced below. The underlined words are being added.

- (5) *Subject to subsection 6, the name of a co-operative incorporated after the 31st day of March, 1974 shall have the word "Incorporated" or "Corporation" or its corresponding abbreviation "Inc." or "Corp." as the last word thereof.*

The amendment clarifies the intent that the subsection does not apply to co-operatives incorporated under the laws of Ontario prior to the Act coming into force.

SECTION 3.—Subsection 1. The provision as recast permits delegates to a co-operative's meeting to be appointed or elected by a co-operative which is a member. Presently, delegates must be elected and only if all members are co-operatives. The new wording extends to member co-operatives the provisions made for individual members in section 24 (1) (c) of the Act.

Subsection 2. The amendment clarifies that a delegate to a co-operative meeting may be a member of the co-operative or of a member co-operative.

SECTION 4.—Subsection 1. The re-enactment inserts the words "as is agreed upon" which were inadvertently omitted when the clause was originally enacted.

Subsection 2. Section 32 (1) of the Act permits a co-operative to repurchase or redeem shares in the co-operative.

Section 32 (3) of the Act presently permits the resale of such shares at a price to be determined by the board. The amendment requires that any such resale must be for the par value of the shares.

SECTION 5. Section 33 of the Act presently reads as follows:

- 33.—(1) *A co-operative may accept from any member a donation of any of its shares without any repayment of capital in respect thereof.*
- (2) *Shares accepted under subsection 1 are not thereby cancelled, and the board of directors may sell the shares at such time and price and on such terms as it determines.*

The re-enactment requires that any resale of shares of the co-operative which have been donated to the co-operative be at par value rather than at a price determined by the board. This is consistent with other amendments dealing with resale of shares.

SECTION 6. Section 34 of the Act presently reads as follows:

34.—(1) *Prior to the issue of any securities by a co-operative, the co-operative shall file with the Minister an offering statement and obtain a receipt therefor.*

(2) *Subsection 1 does not apply to,*

(a) *the issue of shares under subsection 1 of section 56 or of debt obligations under subsection 4 of section 56; or*

(b) *a co-operative that has fifteen or fewer members.*

The re-enacted provision provides that where a co-operative has more than fifteen members or where, as a result of a sale or disposition of shares, there would be more than fifteen members, then before selling or disposing of shares for consideration an offering statement has to be filed.

The new section 34 (2) sets out the circumstances in which section 34 (1) does not apply.

SECTION 7. Section 39 (1) of the Act presently reads as follows:

(1) *Shares shall not be allotted or issued except for a consideration at least equal to the product of the number of shares allotted or issued multiplied by the par value thereof.*

The words underlined are being deleted.

The amendment clarifies that shares may not be issued at other than par value.

SECTION 8. The section is recast to provide that shares of a co-operative may not be issued at a discount to be consistent with section 39 (1) of the Act. It further provides that commissions not exceeding 10 per cent may be paid. This is reduced from 25 per cent.

(2) Shares accepted under subsection 1 are not thereby cancelled and the board of directors may sell the shares at such time as it determines for a consideration equal to the product of the number of shares sold multiplied by the par value thereof. Sale of donated shares

6. Section 34 of the said Act is repealed and the following substituted therefor: s. 34. re-enacted

34.—(1) No co-operative or person shall sell, dispose of, or accept directly or indirectly any consideration for securities of the co-operative where the co-operative has more than fifteen security holders, or where the sale or disposition of or acceptance of consideration for such securities would have the effect of increasing the number of security holders in the co-operative to more than fifteen, unless the co-operative has filed with the Minister an offering statement and has obtained a receipt therefor. Offering statement

(2) Subsection 1 does not apply to, Exception

(a) the issue of shares under subsection 1 of section 56 or of debt obligations under subsection 4 of section 56; or

(b) a co-operative that has filed with the Ontario Securities Commission both a preliminary prospectus and a prospectus in respect of the offering of its securities and receipts therefor have been obtained from the Director of the Ontario Securities Commission and copies thereof have been filed with the Minister.

7. Subsection 1 of section 39 of the said Act is amended by striking out "at least" in the second line. s. 39 (1). amended

8. Section 41 of the said Act is repealed and the following substituted therefor: s. 41. re-enacted

41.—(1) A co-operative may provide by by-law for the payment of commissions to persons in consideration of their procuring subscriptions for shares in the co-operative, but no such commission shall exceed 10 per cent of the par value of the shares. Commission on sale of shares

(2) Except as provided in subsection 1, no co-operative shall apply any of its shares or capital, either directly or indirectly, in payment of any commission to any person in consideration of his procuring subscriptions for shares of the co-operative, whether the shares or capital is so applied by being added No unauthorized commission

to the purchase money of any property acquired by the co-operative or to the contract price of any work to be executed for the co-operative, or is paid out of the nominal purchase money or contract price or otherwise.

s. 43.  
re-enacted

- 9.** Section 43 of the said Act is repealed and the following substituted therefor:

Lien on  
shares

43. Where a member is indebted to the co-operative for goods or services, and where the articles or by-laws so provide, the co-operative has a lien to the extent of the debt on the shares registered in the name of the member.

s. 49 (1),  
amended

- 10.**—(1) Subsection 1 of section 49 of the said Act is amended by striking out “8” in the fifth line and inserting in lieu thereof “10”.

s. 49.  
amended

- (2) The said section 49 is amended by adding thereto the following subsection:

Termination  
of  
membership

(3) Where a member of a co-operative without share capital,

(a) has failed to transact any business with the co-operative for a period of two years; or

(b) is a corporate member about to be dissolved,

then the directors of the co-operative may, by resolution passed by a majority of the board, terminate the membership and upon termination the co-operative, subject to section 67, shall repay to the member the amount outstanding on loans to the co-operative that are repayable on demand by the member together with interest accrued thereon.

s. 54 (b),  
re-enacted

- 11.** Clause *b* of section 54 of the said Act is repealed and the following substituted therefor:

(b) provide for the payment of dividends on the share capital at a rate not to exceed 10 per cent per annum of the amount paid up thereon or of the par value thereof, whichever is the lesser.

s. 56 (4),  
amended

- 12.** Subsection 4 of section 56 of the said Act is amended by striking out “8” in the seventh line and inserting in lieu thereof “10”.

s. 57 (2) (a).  
amended

- 13.** Clause *a* of subsection 2 of section 57 of the said Act is amended by striking out “8” in the second line and inserting in lieu thereof “10”.

SECTION 9. Section 43 of the Act presently provides that a co-operative may have a lien on the shares of a member who is indebted to the co-operative. The amendment clarifies that the indebtedness must be for goods or services rather than for the purchase of shares.

SECTION 10.—Subsection 1. Section 49 of the Act provides that capital of co-operatives without share capital may be in the form of loans from members. The interest rate that may be paid on such loans is being increased from 8 per cent to 10 per cent.

Subsection 2. The new provision corrects an omission from the Act and permits a co-operative without share capital to terminate the membership of a member who has not dealt with the co-operative or, in the case of a corporate member, is about to be dissolved. This corresponds with section 32 (1) (b) of the Act.

Where there is termination of membership, any loans repayable on demand must be repaid on termination of membership.

SECTION 11. Section 54 (b) of the Act presently reads as follows:

*54. A co-operative may by by-law provide that, before any distribution of surplus arising from the business of the co-operative in each fiscal year is made, the co-operative may,*

*. . . . .*

*(b) provide for the payment of dividends on the share capital at a rate not to exceed 8 per cent per annum of the amount paid up thereon.*

The rate of 8 per cent is being changed to 10 per cent and the amended provision provides for the rate to be based on the lesser of the paid up amount on the shares or the par value.

SECTION 12. The provision provides that a co-operative may require its members to make loans to it in certain specified circumstances. The amendment increases the maximum permitted interest rate payable on these loans from 8 per cent to 10 per cent.

SECTION 13. Section 57 (1) of the Act permits a co-operative to deduct an amount from moneys received by the co-operative for goods or services dealt with by the co-operative on behalf of a member.

Section 57 (2) (a) of the Act provides that any amount so retained shall be considered as a loan to the co-operative.

The amendment increases the maximum interest permitted to be paid on the loan from 8 per cent to 10 per cent.



SECTION 14. Section 58 (2) of the Act presently reads as follows:

- (2) *A dividend shall not exceed 8 per cent per annum of the par value of the share.*

SECTION 15. Normally, membership in a co-operative with share capital is effected by the purchase of a common share. This amendment clarifies that a person who withdraws from membership under section 64 (1) but chooses to retain shares or loans in the co-operative does not thereby continue in membership.

SECTION 16.—Subsection 1. Section 67 (1) of the Act prohibits a co-operative from expelling members and paying off their loans where to do so would render the co-operative insolvent.

The amendment is complementary to section 10 (2) of the Bill which provides for section 49 (3) being added to the Act.

Subsection 2. The provision permits a co-operative that has acquired shares of an expelled member to resell the shares at such price as may be determined by the board. The re-enactment sets out a method of calculating the selling price and is based on par value.

SECTION 17. Section 83 (1) of the Act presently permits one person to hold a share as a personal representative of another and, as such, to vote at meetings. The re-enactment extends the same right to a person holding a member loan.

Section 83 (2) of the Act that presently reads as follows is being repealed:

- (2) *Where a person mortgages or hypothecates his shares, that person is the person entitled to vote at all meetings of members unless, in the instrument creating the mortgage or hypothec, he has expressly empowered the person holding the mortgage or hypothec to vote, in which case, subject to the articles, such holder is the person entitled to vote.*

This created a form of proxy voting by mortgagees and is inconsistent with section 76 (2) of the Act which states that no member shall vote by proxy.

SECTION 18. The word underlined in the section as reproduced below has been added:

104. *The members may, by resolution passed by a majority of the votes cast at a general meeting duly called for that purpose, remove any director before the expiration of his term of office and may, by a majority of the votes cast at the meeting, elect any qualified person in his stead for the remainder of his term.*

SECTION 19. The sections of the Act referred to in the new provision deal with audit provisions. Section 123 (1) of the Act exempts certain co-operatives with 15 or fewer members who so consent from the specified sections requiring certain audit provisions. The new provision exempts a co-operative that has more than 15 members meeting the specified conditions.



14. Subsection 2 of section 58 of the said Act is amended by striking out "8" in the first line and inserting in lieu thereof "10". s. 58 (2).  
amended

15. Subsection 4 of section 64 of the said Act is repealed and the following substituted therefor: s. 64 (4).  
re-enacted

(4) Notwithstanding subsection 3, a member who has given notice under subsection 1 may elect in such notice to retain all or some of his shares or loans in the co-operative, but such election shall not entitle him to remain a member of the co-operative. Election  
by member

16.—(1) Subsection 1 of section 67 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor: s. 67 (1).  
amended

(1) A co-operative shall not exercise its powers under subsection 3 of section 49, section 64 or 66, Where  
repayment  
not to be  
made

(2) Subclause ii of clause *b* of subsection 2 of the said section 67 is repealed and the following substituted therefor: s. 67 (2) (b) (ii).  
re-enacted

(ii) the board of directors may resell the shares at such time as it determines for a consideration equal to the product of the number of shares resold multiplied by the par value thereof.

17. Section 83 of the said Act is repealed and the following substituted therefor: s. 83  
re-enacted

83. Where a person holds shares or a member loan as a personal representative of a member, the personal representative is entitled to vote at all meetings of members. Personal  
representative  
may vote

18. Section 104 of the said Act is repealed and the following substituted therefor: s. 104.  
re-enacted

104. The members may, by resolution passed by a majority of the votes cast at a general meeting duly called for that purpose, remove any director before the expiration of his term of office and may, by a majority of the votes cast at the meeting, elect any qualified person in his stead for the remainder of his term. Removal of  
directors

19. Section 123 of the said Act is amended by adding thereto the following subsection: s. 123.  
amended

(1*a*) A co-operative that has never issued securities and that at the end of a financial year has less than \$5,000 in capital Idem

and less than \$5,000 in assets is exempt in respect of that year from sections 124 and 125, subsections 1 and 2 of section 126, section 127 and clause *b* of subsection 1 and subsection 3 of section 128.

s. 130 (2),  
par. 2,  
subpar. i,  
re-enacted

- 20.** Subparagraph i of paragraph 2 of subsection 2 of section 130 of the said Act is repealed and the following substituted therefor:

- i. the amount of surplus arising from the reorganization of the co-operative's issued capital, including *inter alia*, the amount of surplus realized on the purchase of shares.

s. 143,  
re-enacted

- 21.** Section 143 of the said Act is repealed and the following substituted therefor:

Affairs not  
conducted on  
co-operative  
basis

143. Where the Minister is of the opinion that the business and affairs of the co-operative are not being conducted on a co-operative basis, he may, after giving the co-operative an opportunity to be heard,

R.S.O. 1970,  
c. 53

- (a) issue a certificate of amendment changing the co-operative into a corporation subject to the provisions of *The Business Corporations Act* and when necessary for the purpose, changing the co-operative into a corporation with share capital; or

R.S.O. 1970,  
c. 89

- (b) issue a certificate of amendment changing the co-operative into a corporation subject to the provisions of Part III of *The Corporations Act* and where necessary for the purpose, changing the co-operative into a corporation without share capital.

s. 144 (1),  
re-enacted

- 22.** Subsection 1 of section 144 of the said Act is repealed and the following substituted therefor:

Limit to  
non-member  
business

(1) Where the Minister is of the opinion that a co-operative has for a period of three years or longer conducted 50 per cent or more of its business with non-members of that co-operative, he may, after giving the co-operative an opportunity to be heard,

R.S.O. 1970,  
c. 53

- (a) issue a certificate of amendment changing the co-operative into a corporation subject to the provisions of *The Business Corporations Act* and where necessary for the purpose, changing the co-operative into a corporation with share capital; or

SECTION 20. Section 130 of the Act sets out information to be shown on a statement of surplus. The amendment recognizes that shares are to be issued or resold at par value without a premium.

SECTION 21. The amendment is complementary to section 23 of the Bill.

SECTION 22. The amendment is complementary to section 23 of the Bill.

SECTION 23. The Act presently permits co-operatives to convert to corporations with share capital under *The Business Corporations Act*. The amendment permits a conversion to a corporation without share capital subject to Part III of *The Corporations Act*.

SECTION 24.—Subsection 1. The re-enactment clarifies that, upon a distribution of property on dissolution, the repayment for the amount paid up on outstanding shares shall not exceed the par value of the shares. The words “or by-laws” were added in the first line after “articles” to correct an omission and correspond to section 162 (3).

Subsection 2. The re-enactment clarifies that, in the absence of articles or by-laws to the contrary as permitted by section 162 (2) of the Act, distribution of assets on dissolution shall be made equally among the members.

- (b) issue a certificate of amendment changing the co-operative into a corporation subject to the provisions of Part III of *The Corporations Act* and where necessary for the purpose, changing the co-operative into a corporation without share capital. R.S.O. 1970,  
c. 89

**23.**—(1) Subsection 1 of section 151 of the said Act is amended by adding thereto the following clause: s. 151 (1),  
amended

- (n) convert it into a corporation to which Part III of *The Corporations Act* applies. R.S.O. 1970,  
c. 89

(2) Subsection 2 of the said section 151 is repealed and the following substituted therefor: s. 151 (2),  
re-enacted

(2) An amendment under subsection 1, except clauses *l*, *m* and *n*, shall be authorized by a special resolution. Author-  
ization

(3) Subsection 3 of the said section 151 is repealed and the following substituted therefor: s. 151 (3),  
re-enacted

(3) Subject to section 152, an amendment under clause *l*, *m* or *n* of subsection 1 shall be authorized by a resolution of the board of directors and confirmed by at least three-quarters of the votes cast at a general meeting of the members of the co-operative duly called for that purpose. Idem

**24.**—(1) Subsection 2 of section 162 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor: s. 162 (2),  
amended

(2) The articles or by-laws of a co-operative may provide that, upon the dissolution of the co-operative and after the payment of all debts and liabilities, including any declared and unpaid dividends and the amount paid up on any outstanding shares, which amount shall not exceed the par value thereof, the remaining property of the co-operative or any part thereof may be distributed or disposed of, Distribution  
of property  
upon  
dissolution

. . . . .

(2) Subsection 3 of the said section 162 is repealed and the following substituted therefor: s. 162 (3),  
re-enacted

(3) In the absence of any provisions in the articles or by-laws permitted by subsection 2, upon the dissolution of the co-operative, the whole of its remaining property shall be distributed equally among the members irrespective of the number of shares or amount of loans, if any, held or made by a member. Idem

s. 164 (1),  
amended

**25.** Subsection 1 of section 164 of the said Act is amended by striking out “within one year after the authorization” in the third and fourth lines.

Commence-  
ment

**26.** This Act comes into force on the day it receives Royal Assent.

Short title

**27.** The short title of this Act is *The Co-operative Corporations Amendment Act, 1978*.



SECTION 25. Section 164 (1) of the Act sets out the documents that are to be delivered to the Minister to bring a voluntary dissolution of a co-operative into effect.

The amendment removes the requirement that the delivery to the Minister be within one year after the authorization.





An Act to amend  
The Co-operative Corporations  
Act, 1973

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*1st Reading*

June 9th, 1978

*2nd Reading*

*3rd Reading*

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THE HON. L. GROSSMAN  
Minister of Consumer and  
Commercial Relations

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*(Government Bill)*

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B56

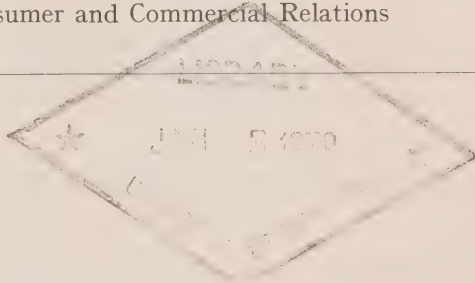
**BILL 122**

Government  
Publications

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend  
The Co-operative Corporations Act, 1973**

THE HON. FRANK DREA  
Minister of Consumer and Commercial Relations







BILL 122

1978

## An Act to amend The Co-operative Corporations Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 5 of *The Co-operative Corporations Act, 1973*, being chapter 101, is repealed and the following substituted therefor: s. 5 (1),  
re-enacted

- (1) Five or more persons, being,

Articles of  
incorporation

(a) corporations; or

(b) natural persons who are of the age of eighteen years or more,

and who intend to be members of the co-operative, may incorporate a co-operative with or without share capital by signing and delivering to the Minister in duplicate articles of incorporation.

- (2) Subclause ii of clause *b* of subsection 3 of the said section 5 is repealed. s. 5 (3) (b) (ii),  
repealed

- (3) Subsection 6 of the said section 5 is repealed and the following substituted therefor: s. 5 (6),  
re-enacted

(6) The signature of each incorporator and of each first director and the fact that, Affidavits

(a) each incorporator who is a natural person and each first director is of the age of eighteen years or more; and

(b) each incorporator is to be a member of the co-operative,

shall be verified by affidavit.

s. 7 (5).  
re-enacted

2. Subsection 5 of section 7 of the said Act is repealed and the following substituted therefor:

Use of  
"Incor-  
porated",  
"Corpora-  
tion"

(5) Subject to subsection 6, the name of a co-operative incorporated after the 31st day of March, 1974 shall have the word "Incorporated" or "Corporation" or its corresponding abbreviation "Inc." or "Corp." as the last word thereof.

s. 24 (1) (d, e).  
re-enacted

- 3.—(1) Clauses *d* and *e* of subsection 1 of section 24 of the said Act are repealed and the following substituted therefor:

(d) where a member is a co-operative, the election or appointment of delegates and alternate delegates to represent the member co-operative on the basis of the number of members in the member co-operative or the volume of business done with the co-operative, or both;

(e) the method of electing or appointing delegates and the number of delegates.

s. 24 (3).  
re-enacted

- (2) Subsection 3 of the said section 24 is repealed and the following substituted therefor:

Qualification  
of delegates

(3) No person shall be elected or appointed a delegate who is not a member, officer or director of the co-operative or of a member co-operative.

s. 32 (1) (a).  
re-enacted

- 4.—(1) Clause *a* of subsection 1 of section 32 of the said Act is repealed and the following substituted therefor:

(a) with the consent of the holder thereof, may purchase all or a part of the shares in the co-operative held by any person upon payment of such an amount to that person as is agreed upon not exceeding the par value of the shares together with any dividends declared but unpaid.

s. 32 (3) (b) (ii).  
re-enacted

- (2) Subclause ii of clause *b* of subsection 3 of the said section 32 is repealed and the following substituted therefor:

(ii) the board of directors may resell the shares at such time as it determines for a consideration equal to the product of the number of shares resold multiplied by the par value thereof.

s. 33 (2).  
re-enacted

5. Subsection 2 of section 33 of the said Act is repealed and the following substituted therefor:

(2) Shares accepted under subsection 1 are not thereby cancelled and the board of directors may sell the shares at such time as it determines for a consideration equal to the product of the number of shares sold multiplied by the par value thereof. Sale of donated shares

6. Section 34 of the said Act is repealed and the following substituted therefor: s. 34. re-enacted

34.—(1) No co-operative or person shall sell, dispose of, or accept directly or indirectly any consideration for securities of the co-operative where the co-operative has more than fifteen security holders, or where the sale or disposition of or acceptance of consideration for such securities would have the effect of increasing the number of security holders in the co-operative to more than fifteen, unless the co-operative has filed with the Minister an offering statement and has obtained a receipt therefor. Offering statement

(2) Subsection 1 does not apply to, Exception

- (a) the issue of shares under subsection 1 of section 56 or of debt obligations under subsection 4 of section 56; or
- (b) a co-operative that has filed with the Ontario Securities Commission both a preliminary prospectus and a prospectus in respect of the offering of its securities and receipts therefor have been obtained from the Director of the Ontario Securities Commission and copies thereof have been filed with the Minister.

7. Subsection 1 of section 39 of the said Act is amended by striking out "at least" in the second line. s. 39 (1). amended

8. Section 41 of the said Act is repealed and the following substituted therefor: s. 41. re-enacted

41.—(1) A co-operative may provide by by-law for the payment of commissions to persons in consideration of their procuring subscriptions for shares in the co-operative, but no such commission shall exceed 10 per cent of the par value of the shares. Commission on sale of shares

(2) Except as provided in subsection 1, no co-operative shall apply any of its shares or capital, either directly or indirectly, in payment of any commission to any person in consideration of his procuring subscriptions for shares of the co-operative, whether the shares or capital is so applied by being added No unauthorized commission

to the purchase money of any property acquired by the co-operative or to the contract price of any work to be executed for the co-operative, or is paid out of the nominal purchase money or contract price or otherwise.

s. 43,  
re-enacted

- 9.** Section 43 of the said Act is repealed and the following substituted therefor:

Lien on  
shares

43. Where a member is indebted to the co-operative for goods or services, and where the articles or by-laws so provide, the co-operative has a lien to the extent of the debt on the shares registered in the name of the member.

s. 49 (1),  
amended

- 10.**—(1) Subsection 1 of section 49 of the said Act is amended by striking out “8” in the fifth line and inserting in lieu thereof “10”.

s. 49,  
amended

- (2) The said section 49 is amended by adding thereto the following subsection:

Termination  
of  
membership

(3) Where a member of a co-operative without share capital,

(a) has failed to transact any business with the co-operative for a period of two years; or

(b) is a corporate member about to be dissolved,

then the directors of the co-operative may, by resolution passed by a majority of the board, terminate the membership and upon termination the co-operative, subject to section 67, shall repay to the member the amount outstanding on loans to the co-operative that are repayable on demand by the member together with interest accrued thereon.

s. 54 (b),  
re-enacted

- 11.** Clause *b* of section 54 of the said Act is repealed and the following substituted therefor:

(b) provide for the payment of dividends on the share capital at a rate not to exceed 10 per cent per annum of the amount paid up thereon or of the par value thereof, whichever is the lesser.

s. 56 (4),  
amended

- 12.** Subsection 4 of section 56 of the said Act is amended by striking out “8” in the seventh line and inserting in lieu thereof “10”.

s. 57 (2) (a),  
amended

- 13.** Clause *a* of subsection 2 of section 57 of the said Act is amended by striking out “8” in the second line and inserting in lieu thereof “10”.



**14.** Subsection 2 of section 58 of the said Act is amended by striking out "8" in the first line and inserting in lieu thereof "10". s. 58 (2),  
amended

**15.** Subsection 4 of section 64 of the said Act is repealed and the following substituted therefor: s. 64 (4),  
re-enacted

(4) Notwithstanding subsection 3, a member who has given notice under subsection 1 may elect in such notice to retain all or some of his shares or loans in the co-operative, but such election shall not entitle him to remain a member of the co-operative. Election  
by member

**16.—**(1) Subsection 1 of section 67 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor: s. 67 (1),  
amended

(1) A co-operative shall not exercise its powers under subsection 3 of section 49, section 64 or 66, Where  
repayment  
not to be  
made

(2) Subclause ii of clause b of subsection 2 of the said section 67 is repealed and the following substituted therefor: s. 67 (2) (b) (ii),  
re-enacted

(ii) the board of directors may resell the shares at such time as it determines for a consideration equal to the product of the number of shares resold multiplied by the par value thereof.

**17.** Section 83 of the said Act is repealed and the following substituted therefor: s. 83  
re-enacted

83. Where a person holds shares or a member loan as a personal representative of a member, the personal representative is entitled to vote at all meetings of members. Personal  
repre-  
sentative  
may vote

**18.** Section 104 of the said Act is repealed and the following substituted therefor: s. 104,  
re-enacted

104. The members may, by resolution passed by a majority of the votes cast at a general meeting duly called for that purpose, remove any director before the expiration of his term of office and may, by a majority of the votes cast at the meeting, elect any qualified person in his stead for the remainder of his term. Removal of  
directors

**19.** Section 123 of the said Act is amended by adding thereto the following subsection: s. 123,  
amended

(1a) A co-operative that has never issued securities and that at the end of a financial year has less than \$5,000 in capital Idem

and less than \$5,000 in assets is exempt in respect of that year from sections 124 and 125, subsections 1 and 2 of section 126, section 127 and clause *b* of subsection 1 and subsection 3 of section 128.

s. 130 (2),  
par. 2,  
subpar. i,  
re-enacted

- 20.** Subparagraph i of paragraph 2 of subsection 2 of section 130 of the said Act is repealed and the following substituted therefor:

- i. the amount of surplus arising from the reorganization of the co-operative's issued capital, including *inter alia*, the amount of surplus realized on the purchase of shares.

s. 143,  
re-enacted

- 21.** Section 143 of the said Act is repealed and the following substituted therefor:

Affairs not  
conducted on  
co-operative  
basis

143. Where the Minister is of the opinion that the business and affairs of the co-operative are not being conducted on a co-operative basis, he may, after giving the co-operative an opportunity to be heard,

R.S.O. 1970,  
c. 53

- (a) issue a certificate of amendment changing the co-operative into a corporation subject to the provisions of *The Business Corporations Act* and when necessary for the purpose, changing the co-operative into a corporation with share capital; or

R.S.O. 1970,  
c. 89

- (b) issue a certificate of amendment changing the co-operative into a corporation subject to the provisions of Part III of *The Corporations Act* and where necessary for the purpose, changing the co-operative into a corporation without share capital.

s. 144 (1),  
re-enacted

- 22.** Subsection 1 of section 144 of the said Act is repealed and the following substituted therefor:

Limit to  
non-member  
business

(1) Where the Minister is of the opinion that a co-operative has for a period of three years or longer conducted 50 per cent or more of its business with non-members of that co-operative, he may, after giving the co-operative an opportunity to be heard,

R.S.O. 1970,  
c. 53

- (a) issue a certificate of amendment changing the co-operative into a corporation subject to the provisions of *The Business Corporations Act* and where necessary for the purpose, changing the co-operative into a corporation with share capital; or



- (b) issue a certificate of amendment changing the co-operative into a corporation subject to the provisions of Part III of *The Corporations Act* and where necessary for the purpose, changing the co-operative into a corporation without share capital. R.S.O. 1970,  
c. 89

**23.**—(1) Subsection 1 of section 151 of the said Act is amended by adding thereto the following clause: s. 151 (1),  
amended

- (n) convert it into a corporation to which Part III of *The Corporations Act* applies. R.S.O. 1970,  
c. 89

(2) Subsection 2 of the said section 151 is repealed and the following substituted therefor: s. 151 (2),  
re-enacted

- (2) An amendment under subsection 1, except clauses *l*, *m* and *n*, shall be authorized by a special resolution. Author-  
ization

(3) Subsection 3 of the said section 151 is repealed and the following substituted therefor: s. 151 (3),  
re-enacted

- (3) Subject to section 152, an amendment under clause *l*, *m* or *n* of subsection 1 shall be authorized by a resolution of the board of directors and confirmed by at least three-quarters of the votes cast at a general meeting of the members of the co-operative duly called for that purpose. Idem

**24.**—(1) Subsection 2 of section 162 of the said Act, exclusive of the clauses, is repealed and the following substituted therefor: s. 162 (2),  
amended

- (2) The articles or by-laws of a co-operative may provide that, upon the dissolution of the co-operative and after the payment of all debts and liabilities, including any declared and unpaid dividends and the amount paid up on any outstanding shares, which amount shall not exceed the par value thereof, the remaining property of the co-operative or any part thereof may be distributed or disposed of, Distribution  
of property  
upon  
dissolution

(2) Subsection 3 of the said section 162 is repealed and the following substituted therefor: s. 162 (3),  
re-enacted

- (3) In the absence of any provisions in the articles or by-laws permitted by subsection 2, upon the dissolution of the co-operative, the whole of its remaining property shall be distributed equally among the members irrespective of the number of shares or amount of loans, if any, held or made by a member. Idem

s. 164 (1),  
amended

**25.** Subsection 1 of section 164 of the said Act is amended by striking out “within one year after the authorization” in the third and fourth lines.

Commence-  
ment

**26.** This Act comes into force on the day it receives Royal Assent.

Short title

**27.** The short title of this Act is *The Co-operative Corporations Amendment Act, 1978*.



An Act to amend  
The Co-operative Corporations  
Act, 1973

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*1st Reading*

June 9th, 1978

*2nd Reading*

December 5th, 1978

*3rd Reading*

December 12th, 1978

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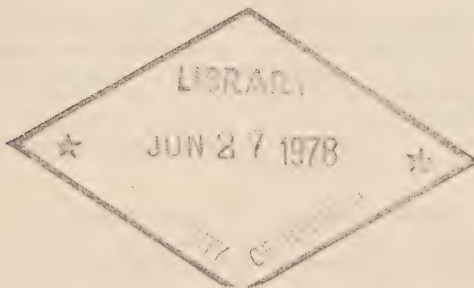
THE HON. FRANK DREA  
Minister of Consumer and  
Commercial Relations

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend The Game and Fish Act**

THE HON. F. S. MILLER  
Minister of Natural Resources



## EXPLANATORY NOTES

SECTION 1. Section 43 of the Act at present limits a hunter to one deer, moose, caribou or bear during an open season, except where persons are hunting as a party, and regulates party hunting.

The number, age and sex of deer, moose, caribou and bear that may be taken will now be prescribed by the regulations. Party hunting will also be regulated and controlled by the regulations. (Subsections 1 and 2 of section 2 of the Bill).

SECTION 2.—Subsection 1. Section 91 of the Act authorizes the Lieutenant Governor in Council to make regulations.

Paragraph 13 of section 91 now reads as follows:

*13. prescribing the number of game animals, game birds or fur-bearing animals that may be taken or possessed.*

The paragraph is enlarged to authorize regulations prescribing the age or sex of game animals and game birds that may be taken or possessed and the reference to fur-bearing animals is deleted.

Subsection 2. The new paragraphs 13*a* and 13*b* clarify the authority to make regulations prohibiting the taking or possession of game animals and game birds in excess of the number prescribed by or of an age or sex not permitted by the regulations.

The new paragraph 13*c* authorizes the making of regulations to regulate and control hunting by members of a party.

Subsection 3. Paragraph 27 of section 91 now reads as follows:

*27. prescribing the terms and conditions upon which wolves may be hunted from an aircraft or vehicle.*

A previous amendment to the Act makes the paragraph redundant.



BILL 123

1978

## An Act to amend The Game and Fish Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 43 of *The Game and Fish Act*, being chapter 186 of the Revised Statutes of Ontario, 1970, is repealed. s. 43,  
repealed
  
- 2.—(1) Paragraph 13 of section 91 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 108, section 10, is repealed and the following substituted therefor: s. 91, par. 13,  
re-enacted
  13. prescribing the number, age or sex of game animals or game birds that may be taken or possessed.
  
- (2) The said section 91, as amended by the Statutes of Ontario, 1973, chapter 108, section 10, is further amended by adding thereto the following paragraphs: s. 91,  
amended
  - 13a. prohibiting the taking or possession of game animals or game birds in excess of the number prescribed under paragraph 13 or 13c;
  
  - 13b. prohibiting the taking or possession of any game animal or game bird other than a game animal or game bird of the age or sex prescribed under paragraph 13 or 13c;
  
  - 13c. defining "hunting in a party", prescribing the number, age or sex of game animals or game birds that may be taken or possessed by members of a party, designating parts of Ontario where persons may hunt in a party and regulating or prohibiting hunting in a party in any area.
  
- (3) Paragraph 27 of the said section 91 is repealed. s. 91, par. 27,  
repealed

Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is *The Game and Fish Amendment Act, 1978*.







An Act to amend  
The Game and Fish Act

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*1st Reading*

June 15th, 1978

*2nd Reading*

*3rd Reading*

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THE HON. F. S. MILLER  
Minister of Natural Resources

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*(Government Bill)*



2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

An Act to amend The Game and Fish Act

THE HON. F. S. MILLER  
Minister of Natural Resources



Commence-  
ment

**3.** This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is *The Game and Fish Amendment Act, 1978*.







An Act to amend  
The Game and Fish Act

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*1st Reading*

June 15th, 1978

*2nd Reading*

June 22nd, 1978

*3rd Reading*

June 22nd, 1978

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THE HON. F. S. MILLER  
Minister of Natural Resources

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

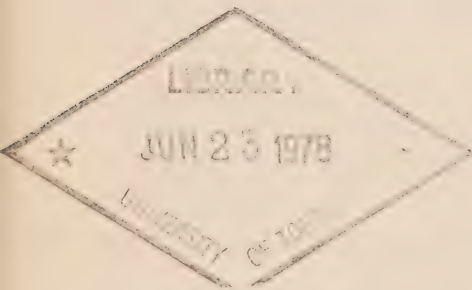
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**An Act to amend The Residential  
Premises Rent Review Act, 1975 (2nd Session)**

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THE HON. L. GROSSMAN  
Minister of Consumer and Commercial Relations

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#### EXPLANATORY NOTE

The amendment delays the repeal of the Act from the 31st day of December, 1978 to the 28th day of February, 1979.

The continuation of the Act for certain specified purposes is correspondingly extended by two months.

BILL 124

1978

## An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 20 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, as amended by the Statutes of Ontario, 1977, chapter 3, section 11, is further amended by striking out “and is repealed on the 31st day of December, 1978” in the fifth line and in the amendment of 1977 and inserting in lieu thereof “and is repealed on the 28th day of February, 1979”. s. 20 (1),  
amended
  
- (2) Clause *a* of subsection 2 of the said section 20, as enacted by the Statutes of Ontario, 1977, chapter 3, section 11, is amended by striking out “the 31st day of December, 1977” in the second and third lines and inserting in lieu thereof “the 28th day of February, 1978” and by striking out “the 31st day of December, 1978” in the third and fourth lines and inserting in lieu thereof “the 28th day of February, 1979”. s. 20 (2) (a),  
amended
  
- (3) Subclause *i* of clause *b* of subsection 2 of the said section 20 is amended by striking out “31st day of December, 1978” in the third line and inserting in lieu thereof “28th day of February, 1979”. s. 20 (2) (b) (i),  
amended
  
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
  
3. The short title of this Act is *The Residential Premises Rent Review Amendment Act, 1978*. Short title

An Act to amend  
The Residential Premises Rent  
Review Act, 1975 (2nd Session)

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*1st Reading*

June 16th, 1978

*2nd Reading*

*3rd Reading*

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THE HON. L. GROSSMAN  
Minister of Consumer and  
Commercial Relations

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*(Government Bill)*

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend The Residential  
Premises Rent Review Act, 1975 (2nd Session)**

THE HON. L. GROSSMAN  
Minister of Consumer and Commercial Relations







BILL 124

1978

## An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 20 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, as amended by the Statutes of Ontario, 1977, chapter 3, section 11, is further amended by striking out “and is repealed on the 31st day of December, 1978” in the fifth line and in the amendment of 1977 and inserting in lieu thereof “and is repealed on the 28th day of February, 1979”. s. 20 (1),  
amended
- (2) Clause *a* of subsection 2 of the said section 20, as enacted by the Statutes of Ontario, 1977, chapter 3, section 11, is amended by striking out “the 31st day of December, 1977” in the second and third lines and inserting in lieu thereof “the 28th day of February, 1978” and by striking out “the 31st day of December, 1978” in the third and fourth lines and inserting in lieu thereof “the 28th day of February, 1979”. s. 20 (2) (a),  
amended
- (3) Subclause *i* of clause *b* of subsection 2 of the said section 20 is amended by striking out “31st day of December, 1978” in the third line and inserting in lieu thereof “28th day of February, 1979”. s. 20 (2) (b) (i),  
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. The short title of this Act is *The Residential Premises Rent Review Amendment Act, 1978*. Short title

An Act to amend  
The Residential Premises Rent  
Review Act, 1975 (2nd Session)

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*1st Reading*

June 16th, 1978

*2nd Reading*

June 22nd, 1978

*3rd Reading*

June 22nd, 1978

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THE HON. L. GROSSMAN  
Minister of Consumer and  
Commercial Relations

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

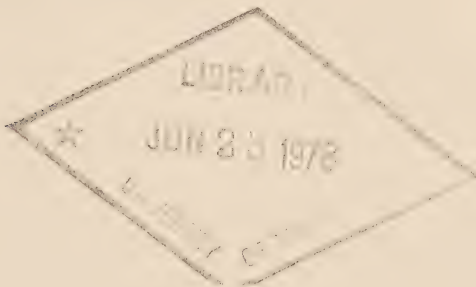
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**An Act to amend  
The Local Roads Boards Act**

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MR. WILDMAN

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#### EXPLANATORY NOTE

The purpose of the amendment is to authorize a local roads board to erect and maintain traffic signs in the local roads area that can be enforced under *The Highway Traffic Act*.

BILL 125

1978

**An Act to amend  
The Local Roads Boards Act**

**H**ER MAJESTY, by and with the advice and consent of the  
Legislative Assembly of the Province of Ontario, enacts as  
follows:

1. *The Local Roads Boards Act*, being chapter 256 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

10a. Every board may erect and maintain any sign prescribed under *The Highway Traffic Act* and any sign erected by a board shall be deemed to be validly erected and in force for the purpose of any prosecution or other proceeding brought under that Act.

s. 10a,  
enacted

Board may  
erect traffic  
signs  
R.S.O. 1970,  
c. 202

2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is *The Local Roads Boards Amendment Act, 1978*.

Commence-  
ment

Short title

An Act to amend  
The Local Roads Boards Act

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*1st Reading*

June 16th, 1978

*2nd Reading*

*3rd Reading*

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MR. WILDMAN

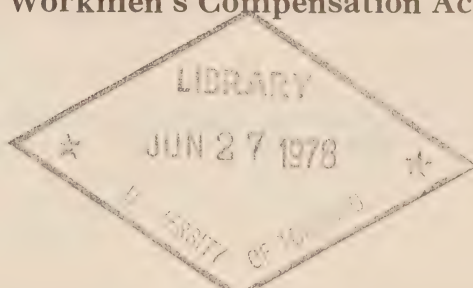
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*(Private Member's Bill)*



2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend The Workmen's Compensation Act**



THE HON. B. STEPHENSON  
Minister of Labour

#### EXPLANATORY NOTES

SECTION 1.—Subsection 1. This subsection increases a burial allowance to \$800 from \$600.

Subsections 2 and 3. These subsections increase the amounts payable to widows, widowers, children and other dependants under section 36 (1) (*c-f*) of the Act.

The proposed section 36 (1) (*f*) clarifies the eligibility of dependants other than widows or children to receive compensation.

## An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of subsection 1 of section 36 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1975, chapter 47, section 3, is repealed and the following substituted therefor: s. 36 (1) (a),  
re-enacted
- (a) the necessary expenses of the burial or cremation of the employee, not exceeding \$800.
- (2) Clauses *c*, *d* and *f* of subsection 1 of the said section 36, as re-enacted by the Statutes of Ontario, 1974, chapter 70, section 1, are repealed and the following substituted therefor: s. 36 (1) (c, d, f),  
re-enacted
- (c) where the widow or widower is the sole dependant, a monthly payment of,
- (i) \$318, effective the 1st day of July, 1976,
- (ii) \$344, effective the 1st day of July, 1977, and
- (iii) \$365, effective the 1st day of July, 1978;
- (d) where the dependants are a widow or a widower and one or more children, a monthly payment of,
- (i) \$318 with an additional monthly payment of \$86 to be increased upon the death of the widow or widower to \$98 for each child under the age of sixteen years, effective the 1st day of July, 1976,

(ii) \$344 with an additional monthly payment of \$93 to be increased upon the death of the widow or widower to \$106 for each child under the age of sixteen years, effective the 1st day of July, 1977, and

(iii) \$365 with an additional monthly payment of \$99 to be increased upon the death of the widow or widower to \$113 for each child under the age of sixteen years, effective the 1st day of July, 1978;

(f) where there are dependants other than those mentioned in clauses *c*, *d* and *e*, and there are no dependants who are persons referred to in the said clauses, a sum reasonable and proportionate to the pecuniary loss to such first-mentioned dependants occasioned by the death, to be determined by the Board, but not exceeding in the whole,

(i) \$318 a month effective the 1st day of July, 1976,

(ii) \$344 a month effective the 1st day of July, 1977, and

(iii) \$365 a month effective the 1st day of July, 1978.

s. 36 (1) (e),  
re-enacted

(3) Clause *e* of subsection 1 of the said section 36, as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 1, is repealed and the following substituted therefor:

(*e*) where the dependants are children, for each child under the age of sixteen years, a monthly payment of,

(i) \$98, effective the 1st day of July, 1976,

(ii) \$106, effective the 1st day of July, 1977, and

(iii) \$113, effective the 1st day of July, 1978.

Application

(4) Clause *a* of subsection 1 of section 36 of the Act, as re-enacted by subsection 1, applies only where the death occurs on or after the 1st day of July, 1978.

Subsections 4, 5 and 6. Self-explanatory.

SECTION 2.—Subsection 1. The lump sum payment under section 36 (7) of the Act is increased to \$800 from \$600.

Subsection 2. Self-explanatory.

SECTION 3.—Subsection 1. The proposed section 42 (8c) increases the amounts payable under section 42 where there has been permanent disability.



- (5) Clauses *c, d, e* and *f* of subsection 1 of the said section 36, <sup>Idem</sup> as re-enacted by subsections 2 and 3, apply to payments accruing after the effective dates, but nothing therein entitles any person to claim additional compensation for any period prior to the effective dates.
- (6) The amounts payable under clauses *c, d, e* and *f* of sub- <sup>Idem</sup> section 1 of the said section 36, as re-enacted by subsections 2 and 3, do not apply to a lump sum award or to payments due prior to the effective dates.
- 2.—**(1) Subsection 7 of the said section 36, as re-enacted by the <sup>s. 36 (7),</sup> Statutes of Ontario, 1975, chapter 47, section 3, is repealed <sup>re-enacted</sup> and the following substituted therefor:
- (7) In addition to any other compensation provided for, <sup>Payment of</sup> the widow or widower, or where the employee leaves no <sup>lump sum</sup> widow or widower, the person described in subsection 6, is entitled to a lump sum of \$800.
- (2) Subsection 7 of section 36 of the Act, as re-enacted by <sup>Application</sup> subsection 1, applies only where the death occurs on or after the 1st day of July, 1978.
- 3.—**(1) Section 42 of the said Act, as amended by the Statutes <sup>s. 42,</sup> of Ontario, 1973, chapter 173, section 1, 1974, chapter 70, <sup>amended</sup> section 3 and 1975, chapter 47, section 6, is further amended by adding thereto the following subsection:
- (8c) The amounts payable under this section shall be <sup>Increase in</sup> increased where the injury occurred, <sup>payments</sup>
- (a) on or before the 31st day of December, 1975, by adding thereto a factor of 11 per cent effective the 1st day of July, 1976;
- (b) on or before the 31st day of December, 1976, by adding thereto a factor of 8 per cent effective the 1st day of July, 1977; and
- (c) on or before the 31st day of December, 1977, by adding thereto a factor of 6 per cent effective the 1st day of July, 1978,

but the amounts of compensation to which an employee is entitled shall not exceed the like proportion of 75 per cent of the rate of average earnings computed under subsection 1 of section 44 which is,

(d) effective on the 1st day of July, 1975, for amounts accruing in the period from the 1st day of July, 1975 to the 30th day of June, 1978; and

(e) effective on the 1st day of July, 1978, for amounts accruing on and after the 1st day of July, 1978.

s. 42 (9),  
re-enacted

(2) Subsection 9 of the said section 42, as re-enacted by the Statutes of Ontario, 1975, chapter 47, section 6, is repealed and the following substituted therefor:

Non-  
application  
of subss. 4, 6,  
8-8c, s. 43 (b)

(9) Subsections 8, 8a, 8b and 8c do not apply to a lump sum award previously made by the Board under this Part, including an award that was previously commuted or paid as a lump sum under subsection 4, an award under subsection 6 or an award under clause b of section 43.

s. 43,  
re-enacted

4.—(1) Section 43 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 2 and amended by 1973, chapter 173, section 1, 1974, chapter 70, section 4, and 1975, chapter 47, section 8, is repealed and the following substituted therefor:

Minimum  
amount of  
compensation

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured employee is entitled shall not be less than,

(a) for temporary total disability,

(i) \$115 a week where his average earnings are not less than \$115 a week, and

(ii) the amount of his earnings where his average earnings are less than \$115 a week,

and for temporary partial disability, a proportionate amount in accordance with the impairment of earning capacity; and

(b) for permanent disability, the pension computed in accordance with sections 42 and 44, but the amount of such pension shall not be less than,

(i) for permanent total disability,

1. \$444 a month for the period from the 1st day of July, 1976, to and including the 30th day of June, 1977,

Subsection 2. Section 42 (9) of the Act now reads:

- (9) *Subsections 8, 8a and 8b do not apply to a commutation lump sum award, an award under subsection 4 or 6 of this section or an award under clause b of section 43 which the Board has made under this Part.*

SECTION 4.—Subsection 1. This subsection increases the minimum amounts payable for temporary total disability from \$90 a week and for permanent disability from \$400 a month.

Subsections 2 and 3. Self-explanatory.

SECTION 5.—Subsection 1. The earnings ceiling is increased to \$16,200 from \$15,000.

Subsection 2. Self-explanatory.

SECTION 6.—Subsection 1. The allowance for the repair and replacement of clothing worn or damaged by a lower limb prosthesis or back brace is increased to \$192 from \$168 and by an upper limb prosthesis to \$96 from \$84.

2. \$480 a month for the period from the 1st day of July, 1977, to and including the 30th day of June, 1978, and

3. \$509 a month from the 1st day of July, 1978, and

(ii) for permanent partial disability, an amount proportionate to that mentioned in subclause i in accordance with the impairment or earning capacity; or

(c) alternatively to subclause i of clause *b*, for permanent total disability the benefits which would have been payable from time to time under clauses *c*, *d* and *e* of subsection 1 of section 36 and under section 38, as if he had died from the injury.

(2) Clause *a* of section 43 of the Act, as re-enacted by sub-Application section 1, applies to accidents occurring on and after the 1st day of July, 1978, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1978.

(3) Clauses *b* and *c* of the said section 43, as re-enacted by Idem subsection 1, apply to payments accruing on and after the 1st day of July, 1976, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1976.

5.—(1) Subsection 1 of section 44 of the said Act, as amended s. 44 (1),  
by the Statutes of Ontario, 1973, chapter 173, section 1 amended  
and 1975, chapter 47, section 10, is further amended by striking out "\$15,000" in the amendment of 1975 and inserting in lieu thereof "\$16,200".

(2) Subsection 1 of section 44 of the Act, as amended by Application subsection 1, applies to accidents occurring on and after the 1st day of July, 1978, but does not apply to a commutation lump sum award previously made, including an award under subsection 4 of section 42, or to an award made under subsection 6 of section 42, or to an award under clause *b* of section 43 of the Act, and nothing in subsection 1 entitles any person to claim additional compensation for any period prior to the 1st day of July, 1978.

6.—(1) Clause *b* of subsection 3 of section 51 of the said Act, as s. 51 (3) (b),  
re-enacted by the Statutes of Ontario, 1975, chapter 47, re-enacted

section 12, is repealed and the following substituted therefor:

- (b) on application, an allowance not exceeding \$192 per annum for the replacement or repair of clothing worn or damaged by reason of the wearing of a lower limb prosthesis or a back brace for a permanent back disability or a permanent leg brace, and not exceeding \$96 per annum in respect of an upper limb prosthesis, where such lower or upper limb prosthesis, back brace or permanent leg brace is supplied by the Board,

. . . . .

Application

- (2) Clause *b* of subsection 3 of section 51 of the Act, as re-enacted by subsection 1, applies to payments accruing on and after the 1st day of July, 1978, but nothing therein entitles any person to claim additional payment for any period prior to the 1st day of July, 1978.

1975, c. 47,  
s. 16,  
repealed

7. Section 16 of *The Workmen's Compensation Amendment Act, 1975*, being chapter 47, is repealed.

Commence-  
ment

8. This Act comes into force on the 1st day of July, 1978.

Short title

9. The short title of this Act is *The Workmen's Compensation Amendment Act, 1978*.



Subsection 2. Self-explanatory.

SECTION 7. Section 16 of *The Workmen's Compensation Amendment Act, 1975* is replaced by section 1 of the Bill.





An Act to amend  
The Workmen's Compensation Act

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*1st Reading*

June 19th, 1978

*2nd Reading*

*3rd Reading*

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THE HON. B. STEPHENSON  
Minister of Labour

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*(Government Bill)*

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Publications

**BILL 126**

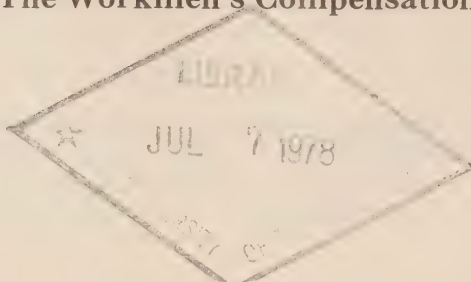
**Government Bill**

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

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**An Act to amend The Workmen's Compensation Act**



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THE HON. B. STEPHENSON  
Minister of Labour

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*(Reprinted as amended by the Committee of the Whole House)*

#### EXPLANATORY NOTES

SECTION 1.—Subsection 1. This subsection increases a burial allowance to \$800 from \$600.

Subsections 2 and 3. These subsections increase the amounts payable to widows, widowers, children and other dependants under section 36 (1) (*c-f*) of the Act.

The proposed section 36 (1) (*f*) clarifies the eligibility of dependants other than widows or children to receive compensation.



BILL 126

1978

## An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of subsection 1 of section 36 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1975, chapter 47, section 3, is repealed and the following substituted therefor: s. 36 (1) (a),  
re-enacted
- (a) the necessary expenses of the burial or cremation of the employee, not exceeding \$800.
- (2) Clauses *c*, *d* and *f* of subsection 1 of the said section 36, as re-enacted by the Statutes of Ontario, 1974, chapter 70, section 1, are repealed and the following substituted therefor: s. 36 (1) (c, d, f),  
re-enacted
- (c) where the widow or widower is the sole dependant, a monthly payment of,
- (i) \$318, effective the 1st day of July, 1976,
- (ii) \$344, effective the 1st day of July, 1977, and
- (iii) \$365, effective the 1st day of July, 1978;
- (d) where the dependants are a widow or a widower and one or more children, a monthly payment of,
- (i) \$318 with an additional monthly payment of \$86 to be increased upon the death of the widow or widower to \$98 for each child under the age of sixteen years, effective the 1st day of July, 1976,

(ii) \$344 with an additional monthly payment of \$93 to be increased upon the death of the widow or widower to \$106 for each child under the age of sixteen years, effective the 1st day of July, 1977, and

(iii) \$365 with an additional monthly payment of \$99 to be increased upon the death of the widow or widower to \$113 for each child under the age of sixteen years, effective the 1st day of July, 1978;

. . . . .

(f) where there are dependants other than those mentioned in clauses *c*, *d* and *e*, and there are no dependants who are persons referred to in the said clauses, a sum reasonable and proportionate to the pecuniary loss to such first-mentioned dependants occasioned by the death, to be determined by the Board, but not exceeding in the whole,

(i) \$318 a month effective the 1st day of July, 1976,

(ii) \$344 a month effective the 1st day of July, 1977, and

(iii) \$365 a month effective the 1st day of July, 1978.

s. 36 (1) (*e*),  
re-enacted

(3) Clause *e* of subsection 1 of the said section 36, as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 1, is repealed and the following substituted therefor:

(*e*) where the dependants are children, for each child under the age of sixteen years, a monthly payment of,

(i) \$98, effective the 1st day of July, 1976,

(ii) \$106, effective the 1st day of July, 1977, and

(iii) \$113, effective the 1st day of July, 1978.

Application

(4) Clause *a* of subsection 1 of section 36 of the Act, as re-enacted by subsection 1, applies only where the death occurs on or after the 1st day of July, 1978.

Subsections 4, 5 and 6. Self-explanatory.

SECTION 2.—Subsection 1. The lump sum payment under section 36 (7) of the Act is increased to \$800 from \$600.

Subsection 2. Self-explanatory.

SECTION 3.—Subsection 1. The proposed section 42 (8c) increases the amounts payable under section 42 where there has been permanent disability.

(5) Clauses *c*, *d*, *e* and *f* of subsection 1 of the said section 36, <sup>Idem</sup> as re-enacted by subsections 2 and 3, apply to payments accruing after the effective dates, but nothing therein entitles any person to claim additional compensation for any period prior to the effective dates.

(6) The amounts payable under clauses *c*, *d*, *e* and *f* of sub- <sup>Idem</sup> section 1 of the said section 36, as re-enacted by subsections 2 and 3, do not apply to a lump sum award or to payments due prior to the effective dates.

2.—(1) Subsection 7 of the said section 36, as re-enacted by the <sup>s. 36 (7),</sup> Statutes of Ontario, 1975, chapter 47, section 3, is repealed <sup>re-enacted</sup> and the following substituted therefor:

(7) In addition to any other compensation provided for, <sup>Payment of</sup> the widow or widower, or where the employee leaves no <sup>lump sum</sup> widow or widower, the person described in subsection 6, is entitled to a lump sum of \$800.

(2) Subsection 7 of section 36 of the Act, as re-enacted by <sup>Application</sup> subsection 1, applies only where the death occurs on or after the 1st day of July, 1978.

3.—(1) Section 42 of the said Act, as amended by the Statutes <sup>s. 42,</sup> of Ontario, 1973, chapter 173, section 1, 1974, chapter 70, <sup>amended</sup> section 3 and 1975, chapter 47, section 6, is further amended by adding thereto the following subsection:

(8c) The amounts payable under this section shall be <sup>Increase in</sup> increased where the injury occurred, <sup>payments</sup>

(a) on or before the 31st day of December, 1975, by adding thereto a factor of 11 per cent effective the 1st day of July, 1976;

(b) on or before the 31st day of December, 1976, by adding thereto a factor of 8 per cent effective the 1st day of July, 1977; and

(c) on or before the 31st day of December, 1977, by adding thereto a factor of 6 per cent effective the 1st day of July, 1978,

but the amounts of compensation to which an employee is entitled shall not exceed the like proportion of 75 per cent of the rate of average earnings computed under subsection 1 of section 44 which is,

(d) effective on the 1st day of July, 1975, for amounts accruing in the period from the 1st day of July, 1975 to the 30th day of June, 1978; and

(e) effective on the 1st day of July, 1978, for amounts accruing on and after the 1st day of July, 1978.

s. 42 (9),  
re-enacted

(2) Subsection 9 of the said section 42, as re-enacted by the Statutes of Ontario, 1975, chapter 47, section 6, is repealed and the following substituted therefor:

Non-  
application  
of subss. 4, 6,  
8-8c, s. 43 (b)

(9) Subsections 8, 8a, 8b and 8c do not apply to a lump sum award previously made by the Board under this Part, including an award that was previously commuted or paid as a lump sum under subsection 4, an award under subsection 6 or an award under clause b of section 43.

s. 43,  
re-enacted

4.—(1) Section 43 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 2 and amended by 1973, chapter 173, section 1, 1974, chapter 70, section 4, and 1975, chapter 47, section 8, is repealed and the following substituted therefor:

Minimum  
amount of  
compensation

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured employee is entitled shall not be less than,

(a) for temporary total disability,

(i) \$115 a week where his average earnings are not less than \$115 a week, and

(ii) the amount of his earnings where his average earnings are less than \$115 a week,

and for temporary partial disability, a proportionate amount in accordance with the impairment of earning capacity; and

(b) for permanent disability, the pension computed in accordance with sections 42 and 44, but the amount of such pension shall not be less than,

(i) for permanent total disability,

1. \$444 a month for the period from the 1st day of July, 1976, to and including the 30th day of June, 1977,



Subsection 2. Section 42 (9) of the Act now reads:

- (9) *Subsections 8, 8a and 8b do not apply to a commutation lump sum award, an award under subsection 4 or 6 of this section or an award under clause b of section 43 which the Board has made under this Part.*

SECTION 4.—Subsection 1. This subsection increases the minimum amounts payable for temporary total disability from \$90 a week and for permanent disability from \$400 a month.

Subsections 2 and 3. Self-explanatory.

SECTION 5.—Subsection 1. The earnings ceiling is increased to \$16,200 from \$15,000.

Subsection 2. Self-explanatory.

SECTION 6.—Subsection 1. The allowance for the repair and replacement of clothing worn or damaged by a lower limb prosthesis or back brace is increased to \$192 from \$168 and by an upper limb prosthesis to \$96 from \$84.

2. \$480 a month for the period from the 1st day of July, 1977, to and including the 30th day of June, 1978, and

3. \$509 a month from the 1st day of July, 1978, and

(ii) for permanent partial disability, an amount proportionate to that mentioned in subclause i in accordance with the impairment or earning capacity; or

(c) alternatively to subclause i of clause *b*, for permanent total disability the benefits which would have been payable from time to time under clauses *c*, *d* and *e* of subsection 1 of section 36 and under section 38, as if he had died from the injury.

(2) Clause *a* of section 43 of the Act, as re-enacted by sub-Application section 1, applies to accidents occurring on and after the 1st day of July, 1978, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1978.

(3) Clauses *b* and *c* of the said section 43, as re-enacted by Idem subsection 1, apply to payments accruing on and after the 1st day of July, 1976, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1976.

5.—(1) Subsection 1 of section 44 of the said Act, as amended s. 44 (1),  
by the Statutes of Ontario, 1973, chapter 173, section 1 amended  
and 1975, chapter 47, section 10, is further amended by  
striking out “\$15,000” in the amendment of 1975 and  
inserting in lieu thereof “\$16,200”.

(2) Subsection 1 of section 44 of the Act, as amended by Application subsection 1, applies to accidents occurring on and after the 1st day of July, 1978, but does not apply to a commutation lump sum award previously made, including an award under subsection 4 of section 42, or to an award made under subsection 6 of section 42, or to an award under clause *b* of section 43 of the Act, and nothing in subsection 1 entitles any person to claim additional compensation for any period prior to the 1st day of July, 1978.

6.—(1) Clause *b* of subsection 3 of section 51 of the said Act, as s. 51 (3) (b),  
re-enacted by the Statutes of Ontario, 1975, chapter 47, re-enacted

section 12, is repealed and the following substituted therefor:

- (b) on application, an allowance not exceeding \$219 per annum for the replacement or repair of clothing worn or damaged by reason of the wearing of a lower limb prosthesis or a back brace for a permanent back disability or a permanent leg brace, and not exceeding \$110 per annum in respect of an upper limb prosthesis, where such lower or upper limb prosthesis, back brace or permanent leg brace is supplied by the Board,

. . . . .

Application

- (2) Clause *b* of subsection 3 of section 51 of the Act, as re-enacted by subsection 1, applies to payments accruing on and after the 1st day of July, 1978, but nothing therein entitles any person to claim additional payment for any period prior to the 1st day of July, 1978.

1975, c. 47,  
s. 16,  
repealed

7. Section 16 of *The Workmen's Compensation Amendment Act, 1975*, being chapter 47, is repealed.

Commence-  
ment

8. This Act comes into force on the 1st day of July, 1978.

Short title

9. The short title of this Act is *The Workmen's Compensation Amendment Act, 1978*.

Subsection 2. Self-explanatory.

SECTION 7. Section 16 of *The Workmen's Compensation Amendment Act, 1975* is replaced by section 1 of the Bill.









BILL 126

1978

## An Act to amend The Workmen's Compensation Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of subsection 1 of section 36 of *The Workmen's Compensation Act*, being chapter 505 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1975, chapter 47, section 3, is repealed and the following substituted therefor: s. 36 (1) (a),  
re-enacted
- (a) the necessary expenses of the burial or cremation of the employee, not exceeding \$800.
- (2) Clauses *c*, *d* and *f* of subsection 1 of the said section 36, as re-enacted by the Statutes of Ontario, 1974, chapter 70, section 1, are repealed and the following substituted therefor: s. 36 (1) (c, d, f),  
re-enacted
- (c) where the widow or widower is the sole dependant, a monthly payment of,
- (i) \$318, effective the 1st day of July, 1976,
- (ii) \$344, effective the 1st day of July, 1977, and
- (iii) \$365, effective the 1st day of July, 1978;
- (d) where the dependants are a widow or a widower and one or more children, a monthly payment of,
- (i) \$318 with an additional monthly payment of \$86 to be increased upon the death of the widow or widower to \$98 for each child under the age of sixteen years, effective the 1st day of July, 1976,

(ii) \$344 with an additional monthly payment of \$93 to be increased upon the death of the widow or widower to \$106 for each child under the age of sixteen years, effective the 1st day of July, 1977, and

(iii) \$365 with an additional monthly payment of \$99 to be increased upon the death of the widow or widower to \$113 for each child under the age of sixteen years, effective the 1st day of July, 1978;

. . . . .

(f) where there are dependants other than those mentioned in clauses *c*, *d* and *e*, and there are no dependants who are persons referred to in the said clauses, a sum reasonable and proportionate to the pecuniary loss to such first-mentioned dependants occasioned by the death, to be determined by the Board, but not exceeding in the whole,

(i) \$318 a month effective the 1st day of July, 1976,

(ii) \$344 a month effective the 1st day of July, 1977, and

(iii) \$365 a month effective the 1st day of July, 1978.

s. 36 (1) (*e*),  
re-enacted

(3) Clause *e* of subsection 1 of the said section 36, as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 1, is repealed and the following substituted therefor:

(*e*) where the dependants are children, for each child under the age of sixteen years, a monthly payment of,

(i) \$98, effective the 1st day of July, 1976,

(ii) \$106, effective the 1st day of July, 1977, and

(iii) \$113, effective the 1st day of July, 1978.

Application

(4) Clause *a* of subsection 1 of section 36 of the Act, as re-enacted by subsection 1, applies only where the death occurs on or after the 1st day of July, 1978.

(5) Clauses *c, d, e* and *f* of subsection 1 of the said section 36, <sup>Idem</sup> as re-enacted by subsections 2 and 3, apply to payments accruing after the effective dates, but nothing therein entitles any person to claim additional compensation for any period prior to the effective dates.

(6) The amounts payable under clauses *c, d, e* and *f* of subsection 1 of the said section 36, as re-enacted by subsections 2 and 3, do not apply to a lump sum award or to payments due prior to the effective dates. <sup>Idem</sup>

**2.—**(1) Subsection 7 of the said section 36, as re-enacted by the Statutes of Ontario, 1975, chapter 47, section 3, is repealed <sup>s. 36 (7), re-enacted</sup> and the following substituted therefor:

(7) In addition to any other compensation provided for, <sup>Payment of lump sum</sup> the widow or widower, or where the employee leaves no widow or widower, the person described in subsection 6, is entitled to a lump sum of \$800.

(2) Subsection 7 of section 36 of the Act, as re-enacted by <sup>Application</sup> subsection 1, applies only where the death occurs on or after the 1st day of July, 1978.

**3.—**(1) Section 42 of the said Act, as amended by the Statutes <sup>s. 42, amended</sup> of Ontario, 1973, chapter 173, section 1, 1974, chapter 70, section 3 and 1975, chapter 47, section 6, is further amended by adding thereto the following subsection:

(8c) The amounts payable under this section shall be <sup>Increase in payments</sup> increased where the injury occurred,

(a) on or before the 31st day of December, 1975, by adding thereto a factor of 11 per cent effective the 1st day of July, 1976;

(b) on or before the 31st day of December, 1976, by adding thereto a factor of 8 per cent effective the 1st day of July, 1977; and

(c) on or before the 31st day of December, 1977, by adding thereto a factor of 6 per cent effective the 1st day of July, 1978,

but the amounts of compensation to which an employee is entitled shall not exceed the like proportion of 75 per cent of the rate of average earnings computed under subsection 1 of section 44 which is,

(*d*) effective on the 1st day of July, 1975, for amounts accruing in the period from the 1st day of July, 1975 to the 30th day of June, 1978; and

(*e*) effective on the 1st day of July, 1978, for amounts accruing on and after the 1st day of July, 1978.

s. 42 (9),  
re-enacted

(2) Subsection 9 of the said section 42, as re-enacted by the Statutes of Ontario, 1975, chapter 47, section 6, is repealed and the following substituted therefor:

Non-  
application  
of subss. 4, 6,  
8-8c, s. 43 (*b*)

(9) Subsections 8, 8*a*, 8*b* and 8*c* do not apply to a lump sum award previously made by the Board under this Part, including an award that was previously commuted or paid as a lump sum under subsection 4, an award under subsection 6 or an award under clause *b* of section 43.

s. 43,  
re-enacted

4.—(1) Section 43 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 46, section 2 and amended by 1973, chapter 173, section 1, 1974, chapter 70, section 4, and 1975, chapter 47, section 8, is repealed and the following substituted therefor:

Minimum  
amount of  
compensation

43. Notwithstanding anything to the contrary in this Part, the amount of compensation to which an injured employee is entitled shall not be less than,

(*a*) for temporary total disability,

(i) \$115 a week where his average earnings are not less than \$115 a week, and

(ii) the amount of his earnings where his average earnings are less than \$115 a week,

and for temporary partial disability, a proportionate amount in accordance with the impairment of earning capacity; and

(*b*) for permanent disability, the pension computed in accordance with sections 42 and 44, but the amount of such pension shall not be less than,

(i) for permanent total disability,

1. \$444 a month for the period from the 1st day of July, 1976, to and including the 30th day of June, 1977,.



2. \$480 a month for the period from the 1st day of July, 1977, to and including the 30th day of June, 1978, and

3. \$509 a month from the 1st day of July, 1978, and

(ii) for permanent partial disability, an amount proportionate to that mentioned in subclause i in accordance with the impairment or earning capacity; or

(c) alternatively to subclause i of clause *b*, for permanent total disability the benefits which would have been payable from time to time under clauses *c*, *d* and *e* of subsection 1 of section 36 and under section 38, as if he had died from the injury.

(2) Clause *a* of section 43 of the Act, as re-enacted by sub-Application section 1, applies to accidents occurring on and after the 1st day of July, 1978, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1978.

(3) Clauses *b* and *c* of the said section 43, as re-enacted by <sup>Idem</sup> subsection 1, apply to payments accruing on and after the 1st day of July, 1976, but nothing therein entitles a person to claim additional compensation for any period prior to the 1st day of July, 1976.

5.—(1) Subsection 1 of section 44 of the said Act, as amended <sup>s. 44 (1),</sup> <sup>amended</sup> by the Statutes of Ontario, 1973, chapter 173, section 1 and 1975, chapter 47, section 10, is further amended by striking out “\$15,000” in the amendment of 1975 and inserting in lieu thereof “\$16,200”.

(2) Subsection 1 of section 44 of the Act, as amended by <sup>Application</sup> subsection 1, applies to accidents occurring on and after the 1st day of July, 1978, but does not apply to a commutation lump sum award previously made, including an award under subsection 4 of section 42, or to an award made under subsection 6 of section 42, or to an award under clause *b* of section 43 of the Act, and nothing in subsection 1 entitles any person to claim additional compensation for any period prior to the 1st day of July, 1978.

6.—(1) Clause *b* of subsection 3 of section 51 of the said Act, as <sup>s. 51 (3) (b),</sup> <sup>re-enacted</sup> re-enacted by the Statutes of Ontario, 1975, chapter 47,

section 12, is repealed and the following substituted therefor :

- (b) on application, an allowance not exceeding \$219 per annum for the replacement or repair of clothing worn or damaged by reason of the wearing of a lower limb prosthesis or a back brace for a permanent back disability or a permanent leg brace, and not exceeding \$110 per annum in respect of an upper limb prosthesis, where such lower or upper limb prosthesis, back brace or permanent leg brace is supplied by the Board,

. . . . .

Application

- (2) Clause *b* of subsection 3 of section 51 of the Act, as re-enacted by subsection 1, applies to payments accruing on and after the 1st day of July, 1978, but nothing therein entitles any person to claim additional payment for any period prior to the 1st day of July, 1978.

1975, c. 47,  
s. 16,  
repealed

- 7.** Section 16 of *The Workmen's Compensation Amendment Act, 1975*, being chapter 47, is repealed.

Commence-  
ment

- 8.** This Act comes into force on the 1st day of July, 1978.

Short title

- 9.** The short title of this Act is *The Workmen's Compensation Amendment Act, 1978*.







An Act to amend  
The Workmen's Compensation Act

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*1st Reading*

June 19th, 1978

*2nd Reading*

June 23rd, 1978

*3rd Reading*

June 23rd, 1978

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THE HON. B. STEPHENSON  
Minister of Labour

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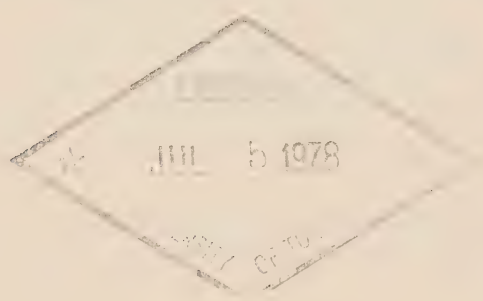


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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend The Landlord and Tenant Act**

MR. WILDMAN



#### EXPLANATORY NOTE

The purpose of the Bill is to modify the security of tenure provisions of *The Landlord and Tenant Act* to meet some problems faced by mobile home owners. The Bill provides that a mobile home park owner cannot arbitrarily refuse to enter into or renew a tenancy agreement with a person who has taken possession of a mobile home from a tenant of the landlord. In addition, where an owner wishes to terminate a lease for purposes related to the owner's own use of the site or to a change in use or major renovation, the owner shall make every effort to find an alternative site for the tenant. In these circumstances, as well as in a situation where a tenant's move is made necessary by a breach by the owner of his obligations under the Act, the tenant is entitled to be reimbursed for any moving costs incurred as a result.

BILL 127

1978

## An Act to amend The Landlord and Tenant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *d* of subsection 1 of section 106 of *The Landlord and Tenant Act*, being chapter 236 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 13, section 5, is repealed and the following substituted therefor:

s. 106 (1) (*d*).  
re-enacted

(*d*) for the payment of compensation under section 105 and section 114*a*.

- (2) Clause *d* of subsection 4 of the said section 106 is amended by adding at the end thereof “and section 114*a*”.

s. 106 (4) (*d*).  
amended

- 2.—(1) Section 111 of the said Act, as enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 13, section 10, is amended by adding thereto the following subsection:

s. 111,  
amended

(4*a*) A landlord shall not arbitrarily or unreasonably refuse to enter into or renew a tenancy agreement with a person who has purchased, leased or otherwise taken possession of a mobile home from a tenant of the landlord.

Refusal  
to enter  
tenancy  
agreement

- (2) Subsection 5 of the said section 111 is amended by striking out “3 and 4” in the fifth line and inserting in lieu thereof “3, 4 and 4*a*”.

s. 111 (5).  
amended

3. The said Act is amended by adding thereto the following sections:

ss. 114*a*, 114*b*.  
enacted

114*a*.—(1) Where a landlord of a mobile home park has given notice that the landlord requires possession of a leased site for a purpose set forth in section 103*b* or 103*d*, the

Landlord's  
obligation  
upon  
termination

landlord shall make every reasonable effort to find an alternative site of similar character, convenience and cost to which the tenant may move his mobile home or in which the tenant may purchase, lease or otherwise obtain the use of a mobile home.

Writ of  
possession

(2) A judge hearing an application under section 106 brought by a landlord of a mobile home park in order to obtain possession of a leased site for a purpose set forth in section 103*b* or 103*d* shall not direct the issue of a writ of possession unless the judge is satisfied that the landlord has complied with subsection 1.

Compensation  
for moving  
costs

114*b*.—(1) Where a tenancy agreement between a tenant and a landlord of a mobile home park is terminated by reason of,

- (a) the landlord's desire to have possession of a leased site for a purpose set forth in section 103*b* or 103*d*;
- (b) an order of a judge arising from a breach of the landlord's obligations under section 114,

the tenant is entitled to compensation for all actual moving costs incurred by the tenant in moving his mobile home to a new site or in moving all personal and family effects to the new place of residence.

Enforcement

(2) A tenant's claim for compensation for moving costs under subsection 1 may be enforced by action or on summary application as provided in section 106 and for the purpose of such application, the applicant and respondent are deemed to be tenant and landlord notwithstanding that the tenancy agreement is terminated.

Commence-  
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The Landlord and Tenant Amendment Act, 1978*.









An Act to amend  
The Landlord and Tenant Act

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*1st Reading*

June 19th, 1978

*2nd Reading*

*3rd Reading*

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MR. WILDMAN

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*(Private Member's Bill)*

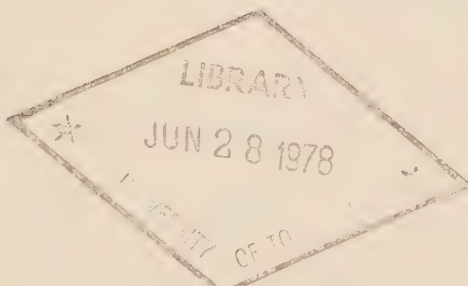
BILL 128

Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

An Act to amend The Condominium Act

MR. WILDMAN



TORONTO

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#### EXPLANATORY NOTE

This Bill amends *The Condominium Act* to enable mobile home parks to be registered as condominium projects. The Bill also clarifies the existing law by stating that a designated unit can consist of vacant land.

This Bill, thereby, provides for flexibility in the development of mobile home condominium projects by enabling a developer to choose between designating a mobile home as a unit in itself or, alternately, designating a vacant lot as a unit upon which a mobile home may be placed.

## An Act to amend The Condominium Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clauses *b* and *r* of subsection 1 of section 1 of *The Condominium Act*, being chapter 77 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:

(*b*) “buildings” means the buildings included in a property and includes a mobile home where the mobile home is affixed to the land;

. . . . .

(*r*) “unit” means a part or parts of the land included in the description and designated as a unit by the description, and comprises the space enclosed by its boundaries and all the material parts of the land within this space at the time the declaration and description are registered and may consist of vacant land not contained within a building.

- (2) Subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 133, section 1, is further amended by adding thereto the following clause:

(*ka*) “mobile home” means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.

2. Subsection 2 of section 3 of the said Act is amended by adding thereto the following clause:

(*na*) a specification of the nature or type of structure which may be built or placed upon a unit where

the unit consists of vacant land not contained within a building; and

. . . . .

s. 4 (1).  
re-enacted

**3.** Subsection 1 of section 4 of the said Act is repealed and the following substituted therefor:

What  
description  
must  
contain

(1) A description shall contain,

- (a) a plan of survey showing the perimeter of the horizontal surface of the land and the perimeter of the buildings, if any;
- (b) structural plans of the buildings, if any;
- (c) diagrams showing the boundaries, shape and dimensions of each unit and the approximate location of each unit in relation to other units and buildings;
- (d) a certificate of a surveyor that all buildings have been constructed substantially in accordance with the structural plans and that the diagrams of the units are substantially accurate; and
- (e) a description of any interests appurtenant to the land that are included in the property,

prepared in accordance with the regulations.

s. 24b (1) (b).  
re-enacted

**4.—(1)** Clause *b* of subsection 1 of section 24*b* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 133, section 14, is repealed and the following substituted therefor:

(b) those parts of the description showing,

- (i) the perimeter of the horizontal surface of the land and the perimeter of the buildings,
- (ii) the boundaries, shape and dimensions of the unit and the approximate location of the unit in relation to the other units and buildings, and
- (iii) any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners.

s. 24b (2) (b).  
re-enacted

(2) Clause *b* of subsection 2 of the said section 24*b* is repealed and the following substituted therefor:



(b) those parts of the proposed description showing,

- (i) the perimeter of the horizontal surface of the land and perimeter of the buildings,
- (ii) the boundaries, shape and dimensions of the unit and the approximate location of the units in relation to the other units and buildings, and
- (iii) any parts of the common elements that are to be used by the owners of one or more designated units and not by all the owners.

- 5.** This Act comes into force on the day it receives Royal Assent. Commence-  
ment
- 6.** The short title of this Act is *The Condominium Amendment Act, 1978*. Short title





An Act to amend  
The Condominium Act

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*1st Reading*

June 19th, 1978

*2nd Reading*

*3rd Reading*

---

MR. WILDMAN

---

*(Private Member's Bill)*

**BILL 129**

**Private Member's Bill**

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend The Municipal Act**

MR. WILDMAN



TORONTO

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#### EXPLANATORY NOTE

The purpose of the Bill is to provide for the separate taxation of mobile home park operators and mobile home owners. Where a mobile home is assessed and taxed by a municipality, the tax collector must send a tax notice to the mobile home owner indicating the amount of tax to be paid in respect of the assessed property. Any taxes due in respect of an assessed mobile home constitute a lien on the mobile home rather than against the land of the owner of the mobile home park.



BILL 129

1978

## An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

521*b*.—(1) Where one or more mobile homes located in a mobile home park is assessed under *The Assessment Act* and a tax is levied upon that assessment, the collector shall give to the owner of the mobile home park and to each owner of an assessed mobile home a separate written or printed notice specifying the amount of taxes to be paid by each owner, and the collector shall deliver the notice or cause it to be delivered to each owner at his residence or upon the premises in respect of which the taxes are payable and may call on each person taxed at his usual residence and demand payment of the taxes.

s. 521*b*,  
enacted

Separate  
tax bills  
for mobile  
home parks  
R.S.O. 1970,  
c. 32

(2) Notwithstanding section 511, the taxes due upon an assessed mobile home and set out in a notice referred to in subsection 1 are a special lien on the mobile home only and the special lien has priority in relation to every claim, privilege, lien or encumbrance of every person except the Crown, and the lien and its priority are not lost or impaired by any neglect, omission or error of the municipality or of any agent or officer, or by want of registration.

Lien on  
mobile home

(3) In this section, “mobile home” and “mobile home park” have the same meaning as in *The Landlord and Tenant Act*.

Interpre-  
tation  
R.S.O. 1970,  
c. 236

2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is *The Municipal Amendment Act, 1978*.

Commence-  
ment

Short title

An Act to amend  
The Municipal Act

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*1st Reading*

June 19th, 1978

*2nd Reading*

*3rd Reading*

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MR. WILDMAN

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*(Private Member's Bill)*

**BILL 130**

**Private Member's Bill**

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

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**An Act to amend The Education Act, 1974**

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MR. WILDMAN

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TORONTO

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#### EXPLANATORY NOTE

The purpose of the Bill is to provide for the separate taxation of mobile home park operators and mobile home owners. Where a mobile home is taxed for school purposes by a municipality or school board, the tax collector or secretary of the school board must send a tax notice to the mobile home owner indicating the amount of tax to be paid in respect of the assessed property. Any lien resulting from non-payment of tax by the mobile home owner may arise only on the mobile home and not on the land of the owner of the mobile home park.

BILL 130

1978

## An Act to amend The Education Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 220 of *The Education Act, 1974*, being chapter 109, is amended by striking out "section 221" in the first line and inserting in lieu thereof "sections 221 and 221a". s. 220 (1),  
amended
2. The said Act is amended by adding thereto the following section: s. 221a,  
enacted

221a.—(1) Where a rate is levied for school purposes on a mobile home or trailer that is located in a mobile home park, trailer park or trailer camp, the tax collector or the secretary of the board, as the case may be, shall give to the owner of the park and to each owner of an assessed mobile home or trailer a separate written or printed notice specifying the amount of taxes to be paid by each owner, and the collector or secretary shall deliver the notice or cause it to be delivered to each owner at his residence or upon the premises in respect of which the taxes are payable and may call on each person taxed at his usual residence and demand payment of the taxes. Separate  
tax bills

(2) Notwithstanding anything in this Act or any other Act, no charge or lien arises on the land of an owner of a mobile home park or trailer park in respect of a payment due from an owner of an assessed mobile home or trailer home for a rate levied for school purposes and set out in a notice referred to in subsection 1. No charge  
arises

(3) In this section, "mobile home" and "mobile home park" have the same meaning as in *The Landlord and Tenant Act*. Interpre-  
tation  
R.S.O. 1970,  
c. 236

3. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
4. The short title of this Act is *The Education Amendment Act, 1978*. Short title

An Act to amend  
The Education Act, 1974

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*1st Reading*

June 19th, 1978

*2nd Reading*

*3rd Reading*

---

MR. WILDMAN

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*(Private Member's Bill)*



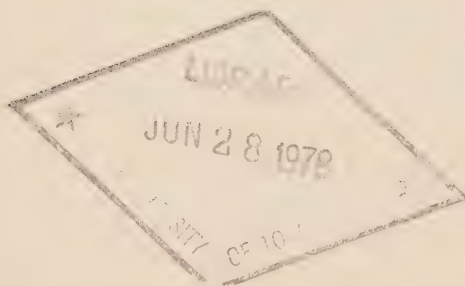
## BILL 131

Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to establish the City of Hazeldean-March**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs



TORONTO

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#### EXPLANATORY NOTES

SECTION 1. The Township of March is amalgamated with the portions of the Township of Nepean and the Township of Goulbourn described, as a city municipality bearing the name of The Corporation of the City of Hazeldean-March.

BILL 131

1978

## An Act to establish the City of Hazeldean-March

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On the 1st day of December, 1978, those portions of the Township of Nepean and the Township of Goulbourn described as follows are amalgamated with the Township of March as a city municipality bearing the name of The Corporation of the City of Hazeldean-March.

City of  
Hazeldean-  
March  
established

FIRSTLY, part of the Township of Goulbourn, commencing at the northerly angle of the said Township;

THENCE southerly along the easterly boundary of the said Township of Goulbourn to the south-easterly limit of the road allowance between concessions IX and X of the said Township;

THENCE southwesterly along the southeasterly limit of the said road allowance to the southeasterly prolongation of the southwesterly limit of Lot 29 in the said Concession X;

THENCE northwesterly to and along the southwesterly limit of Lot 29 in concessions X, XI and XII to the northwesterly boundary of the said Township of Goulbourn;

THENCE northeasterly along the northwesterly boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Nepean, commencing at a point in the westerly boundary of the said Township, where it is intersected by the

southerly limit of Lot 27 in Concession VI (Rideau Front) of the said Township;

THENCE easterly along the northerly limit of the Hope Sideroad in the said Concession VI to the westerly limit of the Richmond Road;

THENCE northerly along the westerly limit of the said Richmond Road to the easterly limit of the road allowance between concessions V and VI (Rideau Front) of the said Township;

THENCE northerly along the easterly limit of the said road allowance to the easterly prolongation of the northerly limit of Lot 33 in Concession VI (Rideau Front) of the said Township;

THENCE westerly to and along the northerly limit of Lot 33 in the said Concession VI to the westerly boundary of the said Township of Nepean;

THENCE southerly along the westerly boundary of the said Township to the point of commencement.

Amalgamation  
deemed by  
Municipal  
Board  
order  
R.S.O. 1970,  
cc. 323, 284

**2.** For the purposes of every Act, the amalgamation provided for in section 1 shall be deemed to have been effected by order of the Ontario Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 1st day of December, 1978, pursuant to an application made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamation, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

Elections  
in 1978

1977, c. 62

**3.** The elections for the members of council of the City of Hazeldean-March, the Township of Goulbourn and the Township of Nepean shall be conducted in accordance with *The Municipal Elections Act, 1977* except that the Minister may by order do all such acts and things as may be necessary to establish wards and provide for the number of aldermen or councillors, as the case may be, in the City of Hazeldean-March, the Township of Goulbourn and the Township of Nepean and provide for all such other matters as he considers necessary to hold the elections in the municipalities in the year 1978.

SECTION 2. Empowers the Municipal Board to exercise its usual powers consequent on amalgamations.

SECTION 3. Empowers the Minister, for the purposes of the elections in 1978 in the area municipalities affected by the amalgamation, to make such orders as are necessary to provide for the conduct of the elections.

SECTION 4. Establishes the composition of the council of the new City of Hazeldean-March.

SECTION 5. Deems the City of Hazeldean-March to be a township municipality for the purposes of *The Police Act*; the effect is the City is not required to establish its own municipal police force.

SECTION 6. Authorizes a referendum to be held to either confirm the name of the City of Hazeldean-March or to determine some other name for the City.



4. On and after the 1st day of December, 1978, the council of the City of Hazeldean-March shall be composed of a mayor who shall be elected by general vote of the electors and six aldermen elected by wards. Composition of council. Hazeldean-March

5. For the purposes of *The Police Act*, the City of Hazeldean-March shall be deemed to be a township municipality. Deemed township for purposes of R.S.O. 1970, c. 351

6. If directed by order of the Minister, a vote of the electors of the municipality as established under section 1, shall be taken at the same time as the election for the council of the municipality in 1978, to determine from among the names designated by the Minister which name the municipality shall bear and, following the vote, the Minister shall by order, Referendum re name

(a) confirm the name of the municipality as set out in section 1; or

(b) declare the name that the municipality shall bear,

and where a declaration is made under clause *b*, all references to such municipality in this Act shall be deemed to refer to such municipality as designated in the declaration.

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. The short title of this Act is *The City of Hazeldean-March Act, 1978*. Short title

An Act to establish the  
City of Hazeldean-March

---

*1st Reading*

June 20th, 1978

*2nd Reading*

*3rd Reading*

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THE HON. W. D. MCKEUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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Publications

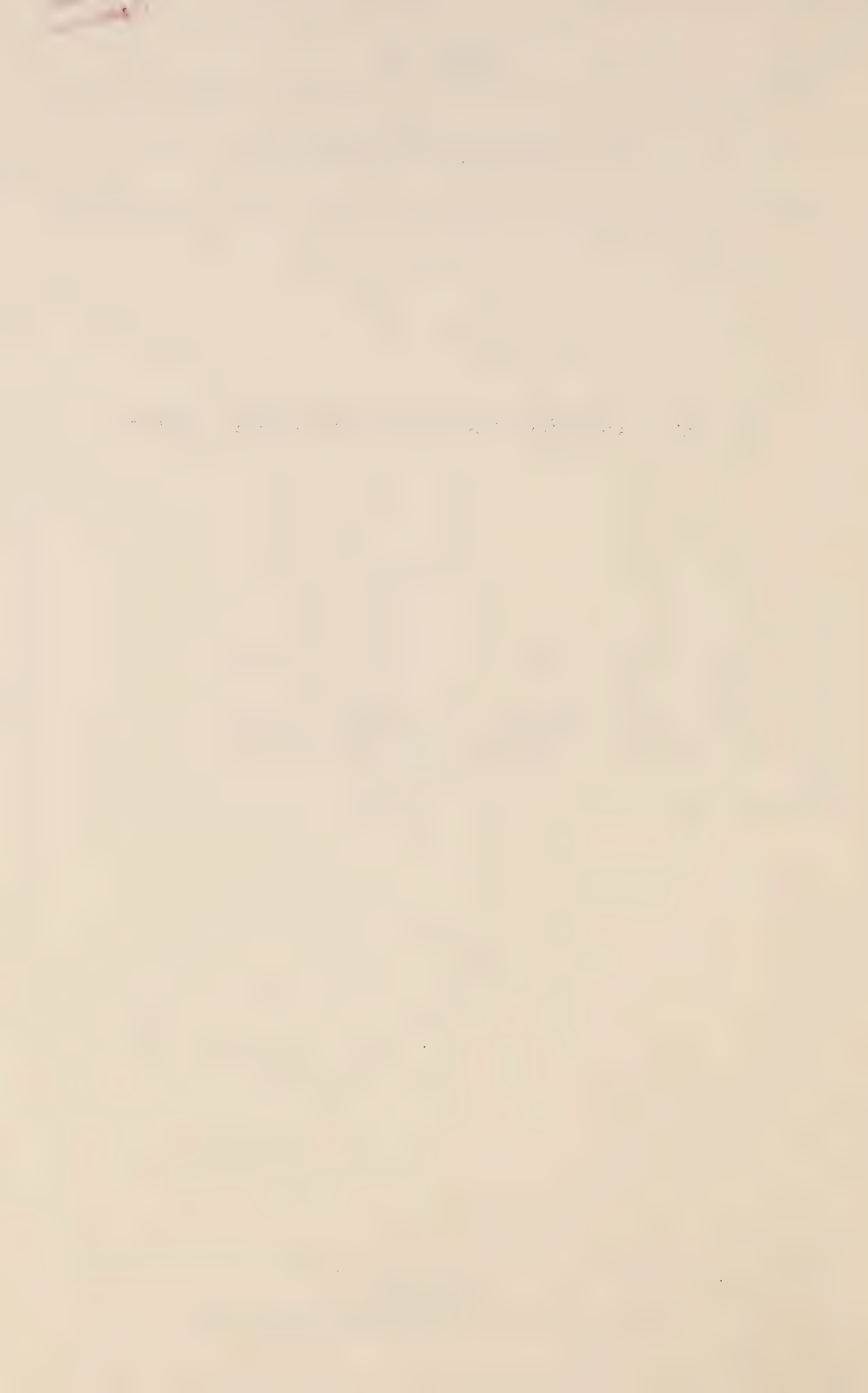
**BILL 131**

2ND SESSION, 31ST LEGISLATURE, <sup>5</sup>ONTARIO  
27 ELIZABETH II, 1978

**An Act to establish the City of Hazeldean-March**

THE HON. W. D. McKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs





BILL 131

1978

## An Act to establish the City of Hazeldean-March

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario; enacts as follows:

1. On the 1st day of December, 1978, those portions of the Township of Nepean and the Township of Goulbourn described as follows are amalgamated with the Township of March as a city municipality bearing the name of The Corporation of the City of Hazeldean-March.

City of  
Hazeldean-  
March  
established

FIRSTLY, part of the Township of Goulbourn, commencing at the northerly angle of the said Township;

THENCE southerly along the easterly boundary of the said Township of Goulbourn to the southeasterly limit of the road allowance between concessions IX and X of the said Township;

THENCE southwesterly along the southeasterly limit of the said road allowance to the southeasterly prolongation of the southwesterly limit of Lot 29 in the said Concession X;

THENCE northwesterly to and along the southwesterly limit of Lot 29 in concessions X, XI and XII to the northwesterly boundary of the said Township of Goulbourn;

THENCE northeasterly along the northwesterly boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Nepean, commencing at a point in the westerly boundary of the said Township, where it is intersected by the

southerly limit of Lot 27 in Concession VI (Rideau Front) of the said Township;

THENCE easterly along the northerly limit of the Hope Sideroad in the said Concession VI to the westerly limit of the Richmond Road;

THENCE northerly along the westerly limit of the said Richmond Road to the easterly limit of the road allowance between concessions V and VI (Rideau Front) of the said Township;

THENCE northerly along the easterly limit of the said road allowance to the easterly prolongation of the northerly limit of Lot 33 in Concession VI (Rideau Front) of the said Township;

THENCE westerly to and along the northerly limit of Lot 33 in the said Concession VI to the westerly boundary of the said Township of Nepean;

THENCE southerly along the westerly boundary of the said Township to the point of commencement.

Amalgamation  
deemed by  
Municipal  
Board  
order  
R.S.O. 1970,  
cc. 323, 284

**2.** For the purposes of every Act, the amalgamation provided for in section 1 shall be deemed to have been effected by order of the Ontario Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 1st day of December, 1978, pursuant to an application made under sections 14 and 25 of *The Municipal Act* and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamation, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

Elections  
in 1978

1977, c. 62

**3.** The elections for the members of council of the City of Hazeldean-March, the Township of Goulbourn and the Township of Nepean shall be conducted in accordance with *The Municipal Elections Act, 1977* except that the Minister may by order do all such acts and things as may be necessary to establish wards and provide for the number of aldermen or councillors, as the case may be, in the City of Hazeldean-March, the Township of Goulbourn and the Township of Nepean and provide for all such other matters as he considers necessary to hold the elections in the municipalities in the year 1978.

**4.** On and after the 1st day of December, 1978, the council of the City of Hazeldean-March shall be composed of a mayor who shall be elected by general vote of the electors and six aldermen elected by wards. Composition of council. Hazeldean-March

**5.** For the purposes of *The Police Act*, the City of Hazeldean-March shall be deemed to be a township municipality. Deemed township for purposes of R.S.O. 1970, c. 351

**6.** If directed by order of the Minister, a vote of the electors of the municipality as established under section 1, shall be taken at the same time as the election for the council of the municipality in 1978, to determine from among the names designated by the Minister which name the municipality shall bear and, following the vote, the Minister shall by order, Referendum re name

(a) confirm the name of the municipality as set out in section 1; or

(b) declare the name that the municipality shall bear,

and where a declaration is made under clause *b*, all references to such municipality in this Act shall be deemed to refer to such municipality as designated in the declaration.

**7.** This Act comes into force on the day it receives Royal Assent. Commencement

**8.** The short title of this Act is *The City of Hazeldean-March Act, 1978*. Short title







An Act to establish the  
City of Hazeldean-March

---

*1st Reading*

June 20th, 1978

*2nd Reading*

June 22nd, 1978

*3rd Reading*

June 22nd, 1978

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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**BILL 132**

**Private Member's Bill**

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend  
The Health Insurance Act, 1972**

MR. PETERSON

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of the Bill is to require a medical practitioner and a health facility to inform every patient of the cost of medical services incurred by the patient and paid by the Ontario Health Insurance Plan.

BILL 132

1978

## An Act to amend The Health Insurance Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 21 of *The Health Insurance Act, 1972*, being chapter 91, <sup>s. 21, amended</sup> is amended by adding thereto the following subsection:

(1a) Every physician and practitioner who submits his accounts directly to the Plan, and every hospital or health facility that submits its accounts directly to the Plan, shall provide to each patient a statement of the patient's account indicating the amount of payment requested by the physician, practitioner, hospital or health facility, as the case may be, from the Plan in respect of insured services performed for the patient. <sup>Statement of patient's account</sup>

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-ment</sup>
3. The short title of this Act is *The Health Insurance Amendment Act, 1978*. <sup>Short title</sup>

An Act to amend  
The Health Insurance Act, 1972

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*1st Reading*

June 20th, 1978

*2nd Reading*

*3rd Reading*

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MR. PETERSON

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*(Private Member's Bill)*



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Government  
Publications

**BILL 133**

**Private Member's Bill**

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend  
The Municipal Elections Act, 1977**

MR. SAMIS



#### EXPLANATORY NOTE

The purpose of the Bill is to establish limits on the amount of contributions that can be made to the election campaign of a municipal candidate. The Bill requires that all contributions to a municipal candidate must be made by individual persons only. All contributions of \$100 or greater are to be recorded and subsequently reported. A contributor is limited to a maximum contribution of \$1,100 in an election year and \$550 in any year that is not an election year.

BILL 133

1978

## An Act to amend The Municipal Elections Act, 1977

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipal Elections Act, 1977*, being chapter <sup>s. 1,</sup> 62, is amended by adding thereto the following paragraph: <sup>amended</sup>

7a. "contribution" means a contribution of money or goods and services to the election campaign of a candidate but does not include any goods produced by voluntary unpaid labour or any service performed by an individual voluntarily for the candidate without compensation from the candidate.

2. Section 121 of the said Act is repealed and the following <sup>s. 121,</sup> substituted therefor: <sup>re-enacted</sup>

121. The council of a municipality may by by-law provide <sup>Limitation</sup> for limitations on election expenditures by or on behalf of <sup>on election</sup> a candidate. <sup>expenditures</sup>

3. The said Act is amended by adding thereto the following <sup>ss. 121a,</sup> sections: <sup>121b,</sup> <sup>enacted</sup>

121a.—(1) Where any candidate, or any person on behalf <sup>Record of</sup> of a candidate, accepts in any year for the purposes of the <sup>contributions</sup> candidate's election campaign,

(a) a single contribution in excess of \$100; or

(b) contributions from an individual person that in the aggregate exceed \$100,

the candidate or a person designated by the candidate shall record the contribution or contributions and the name and address of the contributor.

Contributions

(2) All contributions to the election campaign of a candidate shall be made by individual persons only.

Limit on contributions

(3) Contributions by any person to a candidate shall not exceed \$1,100 in any year in which an election is held and \$550 in any other year.

Record to be filed with clerk

(4) Every candidate shall file with the clerk within ninety days from the date of the election a return setting out all the information required to be recorded under subsection 1.

Value of goods and services

121b.—(1) The value of goods and services contributed to a candidate shall be,

(a) where the contributor is in the business of supplying such goods and services, the lowest amount charged by the contributor for an equivalent amount of the same goods and services at or about the time and in the market area in which the goods and services are provided; and

(b) where the contributor is not in the business of supplying such goods or services, the lowest amount charged, at or about the time the goods or services are provided, by any other person or corporation providing the same goods on a commercial retail basis or services on a commercial basis in the market area in which the goods or services are provided.

Amount over \$100 considered contributions

(2) Only,

(a) a contribution of goods or services having a value of more than \$100; and

(b) contributions of goods or services from an individual person in any year, that in the aggregate have a value of more than \$100,

shall be considered as a contribution for the purposes of this Act.

Where goods or services provided for price less than value determined under subs. 1

(3) Where goods or services are provided to a candidate for a price that is less than the value of the goods or services as determined under subsection 1, the amount that the price is less than such value shall, subject to subsection 2, be a contribution for the purposes of this Act.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is *The Municipal Elections Amendment Act, 1978*.



An Act to amend  
The Municipal Elections Act, 1977

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*1st Reading*

June 20th, 1978

*2nd Reading*

*3rd Reading*

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MR. SAMIS

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*(Private Member's Bill)*

BILL 134

Private Member's Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

An Act to repeal  
The Income Tax Discounters Act, 1977

MR. WALKER

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



#### EXPLANATORY NOTE

The Bill repeals *The Income Tax Discounters Act, 1977*. The Act is no longer necessary by reason of legislation enacted by the Parliament of Canada concerning the same subject-matter.

BILL 134

1978

**An Act to repeal  
The Income Tax Discounters Act, 1977**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Income Tax Discounters Act, 1977*, being chapter 55, and *The Income Tax Discounters Amendment Act, 1978*, being chapter 1, are repealed. 1977, c. 55,  
1978, c. 1  
are  
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-  
ment
3. The short title of this Act is *The Income Tax Discounters Repeal Act, 1978*. Short title

An Act to repeal  
The Income Tax Discounters Act, 1977

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*1st Reading*

June 20th, 1978

*2nd Reading*

*3rd Reading*

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MR. WALKER

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*(Private Member's Bill)*

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BILL 135

Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

## An Act to revise The Line Fences Act

THE HON. W. D. MCKEOUGH  
Treasurer of Ontario and Minister of Economics and  
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTE

By an Act passed in 1793 in the second session of the first provincial parliament of Upper Canada met at Niagara, provision was made for the appointment of not less than two or more than six persons to serve the office of Fence Viewers in each parish, township, reputed township or place. Acts were subsequently passed in 1834, 1845, 1859, 1868 and 1874 respecting line fences and the resolution of disputes involving them. In 1913 the 1874 Act was re-enacted under its present name of *The Line Fences Act* and with only minor amendment it so appeared in subsequent revisions to and including the 1970 Revised Statutes.

The Bill revises and replaces the present Act and among its principal features will be found the following:

1. Municipalities are required to appoint a sufficient number of fence-viewers and to set out in the appointing by-law the *per diem* remuneration they are to be paid (s. 3).
2. It is made explicit that adjoining owners may construct and maintain a fence to mark the boundary between their lands (s. 2).
3. No distinction is made in the application of the Act between occupied and unoccupied lands.
4. When an owner wishes the fence-viewers to view and arbitrate he notifies the municipal clerk and the clerk in turn notifies the adjoining owner and three fence-viewers, specifying the time and place of the meeting for the arbitration (s. 4 (1-3) ).
5. A municipality may by by-law provide that the provisions requiring the clerk to send the notices do not apply and that the owner seeking the arbitration shall himself send out the notices (s. 4 (4, 5) ).
6. It is made clear that in their award the fence-viewers may specify one of three alternatives, that is that each owner be responsible for a designated portion of the fence, or that one owner be responsible for the whole of the fence or that while one owner be responsible for the construction or repair of the whole of the fence the other owner contribute a specified portion of the costs incurred (s. 7).
7. Where one owner does not obey the award the other owner may, on notice, himself do the work and cause the fence-viewers to reattend to certify the default and the value of the work done. The amount may be recovered by the certificate being deposited with the clerk who places the amount on the collector's roll to be collected in the same manner as taxes. Alternatively the certificate may be filed with the clerk of the appropriate small claims court and the amount recovered in the same manner as the amount of a judgment in that court (ss. 9, 10).
8. An owner dissatisfied with the fence-viewers award may appeal therefrom to a judge of the small claims court (s. 12).

9. The Act does not apply to lands owned by a municipality or local board unless the municipality or board provides that the Act does apply; municipalities and boards may however enter into agreements with owners of adjoining land for the construction and maintenance of boundary fences (s. 20).
10. The Act is not binding on the Crown, a Crown agency or Ontario Hydro (s. 21).
11. The Minister is authorized to make regulations prescribing forms for the purposes of the Act (s. 23).





BILL 135

1978

## An Act to revise The Line Fences Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** In this Act,

Interpre-  
tation

- (a) “Minister” means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (b) “occupant” means the occupant of adjoining land that is subject or proposed to be made subject to proceedings instituted under section 4;
- (c) “prescribed” means prescribed by the regulations;
- (d) “regulations” means regulations made under this Act;
- (e) “value of the work” and “costs of the work” have the same meaning and include the value of the materials used and the value of the labour performed to complete the work. *New.*

(2) Where, within the meaning of section 4, there is a <sup>Idem</sup> dispute between owners or occupants of lands situate in different local municipalities,

- (a) “fence-viewers” means two fence-viewers of the municipality in which is situate the land of the owner or occupant notified under section 4, and one fence-viewer of the municipality in which is situate the land of the person instituting the proceedings under that section;
- (b) “in which the land is situate” or “in which the land lies” means in which is situate the land of the

owner or occupant so notified under section 4. R.S.O. 1970, c. 248, s. 1 (2), *amended*.

Owners of land may construct boundary fences

**2.** Owners of adjoining lands may construct and maintain a fence to mark the boundary between them. *New*.

Appointment of fence-viewers

**3.** The council of every local municipality shall, by by-law, appoint such number of fence-viewers as are required to carry out the provisions of this Act and the by-law shall fix the *per diem* remuneration to be paid to the fence-viewers. *New*.

Owner may request fence-viewers to view and arbitrate

**4.—(1)** Where the owner of any land desires to have a fence constructed to mark the boundary between his land and the land of an adjoining owner, or where such a fence exists, to have it repaired or reconstructed, he may notify the clerk of the municipality in which the land is situate that he desires fence-viewers to view and arbitrate as to what portion of the fence each owner shall construct, reconstruct or repair and maintain and keep up.

Notice by clerk

(2) Where the clerk of a municipality is notified under subsection 1, he shall notify in the prescribed form the owner mentioned in subsection 1 and the adjoining owner or the occupant of the land of the adjoining owner that he will on a day named, not less than one week from the service of the notice, cause three fence-viewers of the locality to arbitrate in the premises and he shall notify in the prescribed form the fence-viewers not less than one week before their services are required that they are required to meet to arbitrate in the premises.

Idem

(3) A notice under subsection 2 shall be signed by the clerk, and shall specify the time, being not more than thirty days from the date of the receipt of the notice under subsection 1, and place of the meeting for the arbitration, and the notice shall be given to a person mentioned in subsection 2 by sending it to him by registered mail at the address where he resides or, in the case of a notice to an owner or occupant, may instead be given by leaving it with him at his place of residence or with some other person, over the age of eighteen years, residing thereat. R.S.O. 1970, c. 248, s. 4, *part, amended*.

Where owner to give notices

(4) Notwithstanding subsections 2 and 3, the council of a local municipality may provide by by-law that those subsections do not apply to the clerk of the municipality and that the notices mentioned therein shall be given by the owner desiring to have a fence constructed, reconstructed or repaired, as the case may be.

(5) The provisions of subsections 2 and 3 relating to the giving of notice by the clerk apply with necessary modifications to the giving of notice by an owner pursuant to a by-law passed under subsection 4. *New.* Application of subss. 2, 3

5. Where an occupant who is not the owner of the land is given a notice under this Act or a by-law passed under this Act, he shall immediately inform the owner of the notice, and, if he neglects to do so, he is liable for all damage caused to the owner by such neglect. R.S.O. 1970, c. 248, s. 5, *amended.* Duty and liability of occupants as to notifying owners

6. The fence-viewers shall examine the premises and, if required by either adjoining owner, shall hear evidence and may examine the owners and their witnesses on oath. R.S.O. 1970, c. 248, s. 6, *amended.* Duties and powers of fence-viewers

7.—(1) The fence-viewers shall make an award in the prescribed form, signed by any two of them, respecting the matters in dispute and the award shall state that a fence shall be constructed and maintained and kept up to mark the boundary between the adjoining lands, or, where such a fence exists, that the fence shall be reconstructed or repaired, and shall be maintained and kept up, and the award shall specify, Award of fence-viewers

(a) the location of the fence;

(b) that,

- (i) a designated portion of the fence be constructed, reconstructed or repaired, as the case may be, and be maintained and kept up by each adjoining owner, or
- (ii) the fence shall be constructed, reconstructed or repaired, as the case may be, and maintained and kept up by the adjoining owner named, or
- (iii) the adjoining owner designated shall construct, reconstruct or repair, as the case may be, and maintain and keep up the fence, and that the other adjoining owner shall upon being notified by the designated adjoining owner of the costs of the work incurred from time to time, pay to the designated adjoining owner such proportion of the costs incurred from time to time as is specified in the award;

- (c) the description of the fence, including the materials to be used in the construction, reconstruction, repair or maintenance and keeping up of the fence;
- (d) the date by which the construction, reconstruction or repairs shall be commenced and the date by which such work shall be completed; and
- (e) the costs of the proceedings and by which of the parties or in what proportion the costs of the proceedings are to be paid. R.S.O. 1970, c. 248, s. 7 (1), *amended*.

Character  
of fence

R.S.O. 1970,  
c. 284

(2) In making the award, the fence-viewers shall have regard to the nature of the fences in use in the locality, the pecuniary circumstances of the parties and the suitability of the fence to the needs of each of them, and the description of the fence specified in the award shall be subject to any by-law in force in the municipality under *The Municipal Act* prescribing the height and description of lawful fences or otherwise regulating the construction of fences. R.S.O. 1970, c. 248, s. 7 (2), *amended*.

Location  
of fence

(3) Where, from the formation of the ground by reason of streams or other causes, it is, in the opinion of the fence-viewers, impracticable to locate the fence upon the line between the lands of the parties, they may locate it either wholly or partly on the land of either of the parties where it seems to be most convenient, but such location shall not in any way affect the title to the land.

Employment  
of surveyor

(4) The fence-viewers may employ an Ontario land surveyor and have the locality described by metes and bounds. R.S.O. 1970, c. 248, s. 7 (3, 4).

Deposit of  
award, etc.

**8.**—(1) The award shall be deposited in the office of the clerk of the municipality in which the land is situate, and may be proved by a copy certified by the clerk, and a copy of the award certified by the clerk shall forthwith be sent by him by registered mail to all parties interested to their last known place of residence. R.S.O. 1970, c. 248, s. 8, *amended*.

Where land  
situate in  
different  
municipalities

(2) Where the lands of the adjoining owners are situate in different local municipalities, a clerk under subsection 1 shall forthwith upon the deposit of an award or certificate in his office, forward a copy of it certified by him to the clerk of the other municipality in which part of the lands are situate. *New*.

9.—(1) Where the award specifies that a portion or all of the fence shall be repaired, constructed, reconstructed, maintained or kept up by one adjoining owner and that adjoining owner fails to obey the award, the other adjoining owner may, by notice, require the first adjoining owner or the occupant of his land to obey the award. R.S.O. 1970, c. 248, s. 10 (1), *part, amended*. Owner may require award to be obeyed

(2) A notice under subsection 1 shall be served in the same manner as a notice to an owner or occupant under section 4. *New*. Service of notice

(3) If the notice is not obeyed within two weeks after it has been served, the owner desiring to enforce the award may do or complete the work that the award directs and may immediately institute proceedings to recover the value of the work done or completed and the costs of the proceedings from the owner of the adjoining land. R.S.O. 1970, c. 248, s. 10 (1), *part, amended*. Completion of work by owner

(4) Where the award specifies that one adjoining owner shall pay to the designated adjoining owner a portion of the costs of the work under subclause iii of clause *b* of subsection 1 of section 7, the designated adjoining owner may notify the other adjoining owner of the amount owing in accordance with the award in the same manner as an owner may give notice or cause a notice to be given under subsection 2, and where such amount is not paid within twenty-eight days following the day on which the notice is given, the designated adjoining owner may institute proceedings to recover the amount and the costs of the proceedings from the other adjoining owner. Notice of amount owing in accordance with award

(5) An owner desiring to institute proceedings under subsection 3 or 4 shall notify the clerk of the municipality in which the land is situate that he desires the three fence-viewers who made the award to reattend at the premises and certify, Certification by fence-viewers

(a) the default of the adjoining owner; and

(b) the value of the work done by the owner which, according to the award ought to have been done by the adjoining owner or the portion of the costs of the work done which ought to have been paid by the adjoining owner, as the case may be.

(6) Where the clerk of a municipality is notified under subsection 5, he shall forthwith notify in the prescribed form the owner or occupant of the adjoining land that he Notice by clerk



will, on a day named, not less than one week from the service of the notice, cause the fence-viewers to reattend at the premises and he shall also notify in the prescribed form the fence-viewers not less than one week before their services are required.

Idem

(7) The notices in both cases shall be signed by the clerk and shall specify the time and place of the reconvening of the fence-viewers, and the notices shall be served in the same manner as the notice served under subsection 3 of section 4.

Where owner  
to give  
notices

(8) Notwithstanding subsections 5, 6 and 7, the council of a local municipality may provide by by-law that those subsections do not apply to the clerk of the municipality and that the notices mentioned in subsection 6 shall be given by the owner desiring to institute proceedings.

Notice to  
another  
fence-viewer  
to attend

(9) Where an owner desires to give notice under subsection 6 or under a by-law passed under subsection 8, and for any reason any of the three fence-viewers who made the award is unable to reattend at the premises, the clerk shall notify another fence-viewer of the municipality to attend in his place. *New.*

Duties of  
fence-viewers

**10.—**(1) The fence-viewers, upon receiving a notice served under subsection 6 of section 9 or under a by-law passed under subsection 8 of that section, or upon being notified under subsection 9 of that section, shall attend in accordance with such notice, and if satisfied that the adjoining owner was duly notified under subsection 1 or 4, as the case may be, of section 9 and has failed to obey the award, the fence-viewers shall,

- (a) where the adjoining owner was notified under subsection 1 of section 9, determine the value of the work done by the owner desiring to enforce the award which is attributable to the adjoining owner and shall prepare a certificate in the prescribed form certifying the default of the adjoining owner and certifying the value of the said work; or
- (b) where the adjoining owner was notified under subsection 4 of section 9, determine the value of the work done by the owner desiring to enforce the award and the portion of that value payable by the adjoining owner and shall prepare a certificate in the prescribed form certifying the default of the adjoining owner and the amount payable by him as his share of the costs of the work,

and in either case shall incude in the certificate the amount payable by the adjoining owner as his share of the costs of the proceedings including the proceedings instituted under section 4, less the portion of that amount payable as fees to the fence-viewers, and the total amount so certified pursuant to this subsection shall become payable by the adjoining owner to the owner desiring to enforce the award.

(2) Upon preparing a certificate under subsection 1, the fence-viewers shall forthwith deposit the certificate with the clerk of the municipality within which the land is situate and the provisions of subsections 1 and 2 of section 8 respecting an award apply with necessary modifications to the certificate. *New.* Deposit of  
certificate

(3) The clerk of the municipality in which the land of the adjoining owner is situate shall, upon receiving a certificate prepared under subsection 1 and the award in respect of which the certificate was made, or copies thereof certified by the clerk in accordance with this Act, and upon application in writing by the owner entitled to receive the amount certified, have the total amount certified placed upon the collector's roll and the amount may be collected in the same manner as taxes and is until so collected or otherwise paid a charge upon the land liable for payment thereof and when collected shall forthwith be paid over to the owner entitled thereto. R.S.O. 1970, c. 248, s. 10 (2), *amended.* Collection  
of amount  
as taxes

(4) Notwithstanding subsection 3, the council of a local municipality may, by by-law, provide that where a certificate and an award mentioned in that subsection and made in respect of land situate within the municipality, or copies thereof certified by a clerk in accordance with this Act, are deposited with the clerk of the municipality, the treasurer of the municipality may, upon written application therefor, pay to the owner entitled to receive the amount certified, the amount so certified or a portion thereof, where he is satisfied that the owner is entitled thereto, and where an owner has received the amount certified or a portion thereof under this subsection, he is not entitled to make an application or receive an amount under subsection 3. Payment by  
treasurer

(5) An amount paid to an owner under subsection 4 shall be placed upon the collector's roll and may be collected in the same manner as municipal taxes together with interest thereon accruing from the date of payment at the rate of 12 per cent per annum, or such lesser rate as may be fixed by council, and is until so collected or otherwise paid a charge upon the land liable for payment thereof. Collection  
of amount  
as taxes



Notice by  
treasurer

(6) Upon making a payment to an owner under subsection 4, the treasurer shall forthwith notify in the prescribed form the adjoining owner against whom the award is being enforced that the payment has been made.

Levy of  
amount  
against goods  
and chattels

(7) Instead of having the amount certified placed upon the collector's roll, or instead of applying for that amount or a portion thereof under a by-law passed pursuant to subsection 4, the party entitled to receive the amount may file a copy of the certificate and of the award in respect of which the certificate was made, certified by the clerk in accordance with this Act, with the clerk of the small claims court of the division in which any part of the land affected by the award is situate, and upon being so filed, the amount may be levied against the goods and chattels and land of the adjoining owner in the same manner as the amount of a judgment of a small claims court may be levied under *The Small Claims Courts Act. New.*

R.S.O. 1970,  
c. 439

Award to be  
a charge on  
land if  
registered

**11.—(1)** The award and a certificate made in respect of the award may be registered in the proper land registry office and when registered are charges upon the land affected by them.

How  
registered

(2) Registration may be by the registration of a duplicate of the award or certificate, as the case may be, or of a copy thereof, verified by affidavit, together with an affidavit or the execution of the award or certificate. R.S.O. 1970, c. 248, s. 11, *amended*.

Appeal

**12.—(1)** An owner dissatisfied with the award may appeal therefrom to a judge of the small claims court for the territorial division in which the land is situate by serving on the adjoining owner, any other interested parties and the fence-viewers, within fifteen days of receiving a copy of the award under section 7, a notice of appeal in the prescribed form and by filing a copy of each notice together with an affidavit of service of the notice in the prescribed form with the clerk of the court within that period. R.S.O. 1970, c. 248, s. 12 (1), *amended*.

Service  
of notice

(2) A notice under subsection 1 shall be served in the same manner as a notice to an owner or occupant under section 4. *New.*

Notice of  
hearing

(3) Upon the filing of the copies of the notices and the affidavits mentioned in subsection 1, the clerk shall forthwith fix the time and place for the hearing of the appeal and notice of the time and place of the appeal shall be served on each person served with a notice under subsection 1 and on

the owner giving notice under that subsection and a notice under this subsection shall be served in the same manner as a notice of trial is served on a party to a suit under *The Small Claims Courts Act*. R.S.O. 1970, c. 248, s. 12 (4), *amended*. R.S.O. 1970, c. 439

(4) The judge shall hear and determine the appeal and may set aside, alter or affirm the award, or correct any error therein, and may examine the parties and their witnesses on oath, and may inspect the premises and may order payment of costs by either party and fix the amount of the costs. R.S.O. 1970, c. 248, s. 12 (4). Powers of judge

(5) The decision of the judge is final and the award, as altered or affirmed, shall be dealt with in all respects as it would have been if it had not been appealed from. R.S.O. 1970, c. 248, s. 12 (6). Decision of judge to be final

(6) The practice and procedure on the appeal, including the fees payable for subpoenas and the conduct money of witnesses, shall be the same, as nearly as may be, as in the case of a suit in the small claims court but the judge may at any time give special direction as to the conduct of the hearing so that he may properly and fully inform himself of all relevant facts and may at any time order such sum of money to be paid by the appellant to the clerk as will be a sufficient indemnity against the costs of the appeal. R.S.O. 1970, c. 248, s. 12 (7), *amended*. Procedure

(7) Notwithstanding subsections 1 and 3, where the award affects land in two or more territorial divisions, the appeal may be to the judge of the small claims court for the territorial division in which any part of the land is situate and in such case the documents mentioned in subsection 1 shall be filed with the clerk of the court in which the appeal is to be heard. R.S.O. 1970, c. 248, s. 12 (8), *amended*. Where land in different court divisions

**13.**—(1) An Ontario land surveyor and a witness is entitled to the same compensation as if subpoenaed in a small claims court. Fees to surveyors and witnesses

(2) The corporation of the municipality shall, at the expiration of the time for appeal from an award made under section 7 or after appeal, as the case may be, and, where applicable, upon the depositing of a certificate under subsection 2 of section 10, pay to the fence-viewers their fees, and shall, unless the fees or a portion thereof are forthwith repaid by the person adjudged to pay the fees or the portion thereof, place the amount unpaid upon the collector's roll as a charge against such person, and the amount may be collected in the same manner as municipal taxes together with Payment of fence-viewers fees

interest thereon accruing from the date of payment at the rate of 12 per cent per annum, or such lesser rate as may be fixed by council, and is until so collected or otherwise paid a charge upon the land liable for payment thereof. R.S.O. 1970, c. 248, s. 13, *amended*.

Judge's  
expenses

**14.**—(1) If the judge of the small claims court inspects the premises or hears the appeal at a place other than the place where proceedings in that court are usually conducted, he is entitled to be paid the actual expenses incurred by him and, in the order setting aside, altering or affirming the award, shall fix the amount of such expenses and name the person by whom the amount is to be paid.

Municipality  
to pay  
expenses and  
collect amount

(2) The judge shall be paid by the corporation of the municipality the amount so fixed, and it shall be collected in the same manner as is provided in respect of the fence-viewer's fees. R.S.O. 1970, c. 248, s. 14, *amended*.

Unopened  
road  
allowance

**15.** Where there is an unopened road allowance lying between the lands of two owners and not enclosed by a lawful fence, it is the duty of the fence-viewers, when called upon, to divide the road allowance equally between the owners of the lands, and to require each owner to construct, keep up and maintain a just proportion of fence to mark the division line, but nothing in this section in any way affects or interferes with the rights of the municipality in the road allowance or is deemed to confer any title therein upon such owners or either of them. R.S.O. 1970, c. 248, s. 2 (3).

Duties of  
owner of  
former  
railway right  
of way

**16.** Where land that was formerly used as part of a line of railway is conveyed in its entire width by the railway company,

- (a) to the owner of abutting land, such owner, his heirs, executors and assigns, are responsible for constructing, keeping up and repairing the fence that marks the lateral boundary between the conveyed lands and the lands of the adjoining owner for a period of ten years from the date of the conveyance and thereafter section 4 applies; or
- (b) to a person who is not the owner of abutting land, such person, his heirs, executors and assigns, are responsible for constructing, keeping up and repairing the fences that mark the lateral boundaries of such land. R.S.O. 1970, c. 248, s. 3.

**17.** Any agreement in writing in the prescribed form between owners respecting a line fence may be registered and enforced as if it were an award of fence-viewers. R.S.O. 1970, c. 248, s. 15, *amended*. Enforcement of agreements

**18.—**(1) The owner of the whole or part of a line fence that forms part of the fence marking the boundary between his land and the land of an adjoining owner shall not take down or remove any part of such fence, Certain fences removable on notice

(a) without giving at least six months previous notice of his intention to the owner or occupant of the adjacent land unless the owner or occupant, after demand made upon him in writing by the owner of the fence, refuses to pay therefor the sum determined as provided by section 7; or

(b) if such owner or occupant will pay to the owner of the fence or part thereof such sum as the fence-viewers may award to be paid therefor under section 7.

(2) The provisions of this Act for determining disputes between owners of adjoining lands, the manner of enforcing awards and appeals therefrom and the forms and all other provisions of this Act, so far as applicable, apply to proceedings under this section. R.S.O. 1970, c. 248, s. 16. Other provisions of Act to apply

**19.—**(1) If any tree is thrown down by accident or otherwise across a line fence, or in any way in and upon the land adjoining that upon which the tree stood, causing damage to the crop upon such land or to such fence, the owner or occupant of the land on which the tree stood shall forthwith remove it and also forthwith repair the fence and otherwise make good any damage caused by the falling of the tree. Where tree thrown down across line fence

(2) On his neglect or refusal so to do for forty-eight hours after notice in writing to remove the tree, the injured person may remove it in the most convenient and inexpensive manner, and may make good the fence so damaged, and may retain the tree to remunerate him for such removal, and may also recover any further amount of damages beyond the value of the tree from the person liable to pay it. When injured party may remove tree

(3) For the purpose of such removal, the owner of the tree may enter into and upon the adjoining land doing no unnecessary spoil or waste. Right of entry

(4) All questions arising under this section shall be adjusted by three fence-viewers of the municipality, the Fence-viewers to decide disputes



decision of any two of whom is binding upon the parties.  
R.S.O. 1970, c. 248, s. 17.

Act not to  
apply to lands  
of a municipi-  
pality or  
local board  
R.S.O. 1970,  
c. 118

**20.**—(1) Subject to subsections 3 and 4, this Act does not apply to lands owned by the corporation of a municipality or a local board within the meaning of *The Municipal Affairs Act*.

Interpre-  
tation

(2) For the purposes of this section, “municipality” includes a regional, metropolitan or district municipality and the County of Oxford.

Agreements

(3) The council of a municipality or a local board may enter into agreements with owners of land adjoining land owned by the municipality or the local board, as the case may be, for the construction, reconstruction, repair, maintenance and keeping up of line fences to mark the boundary of such lands, and any such agreement when reduced to writing in the prescribed form may be registered and enforced as if it were an agreement between owners under section 16.

When Act  
applies to  
lands owned  
by municipi-  
pality or  
local board

(4) This Act applies to lands owned by a municipality or a local board, or to any class or classes of such lands where the council of the municipality or the local board, as the case may be, has provided that this Act shall so apply.  
*New.*

Crown not  
bound by Act  
R.S.O. 1970,  
c. 100

**21.** This Act does not apply so as to bind the Crown in right of Ontario or a Crown agency within the meaning of *The Crown Agency Act* or Ontario Hydro. *New.*

Where Act  
not to apply

**22.** The provisions of this Act for the apportionment of the costs of a line fence and the enforcement thereof do not apply in a municipality where a by-law passed under paragraph 21 of subsection 1 of section 354 of *The Municipal Act* is in force. *New.*

R.S.O. 1970,  
c. 284

Regulations

**23.** The Minister may make regulations prescribing forms for the purposes of this Act and providing for their use. *New.*

R.S.O. 1970,  
c. 248,  
repealed

**24.** *The Line Fences Act*, being chapter 248 of the Revised Statutes of Ontario, 1970, is repealed.

Commence-  
ment

**25.** This Act comes into force on the day it receives Royal Assent.

Short title

**26.** The short title of this Act is *The Line Fences Act, 1978*.









An Act to revise  
The Line Fences Act

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*1st Reading*

June 22nd, 1978

*2nd Reading*

*3rd Reading*

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THE HON. W. D. McKEOUGH  
Treasurer of Ontario and  
Minister of Economics and  
Intergovernmental Affairs

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*(Government Bill)*

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

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**An Act to stabilize  
Employment of Tradesmen in the Construction Industry**

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THE HON. B. STEPHENSON  
Minister of Labour

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#### EXPLANATORY NOTE

The purpose of the Bill is to enable the Minister, with the approval of the Lieutenant Governor in Council, to issue a code or code of employment practices establishing measures and procedures respecting employment in the construction industry including provisions that tradesmen permanently resident in Ontario be given employment preference.

BILL 136

1978

## An Act to stabilize Employment of Tradesmen in the Construction Industry

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "construction" means the erection, alteration, repair, extension or demolition of a building, structure, road, pipeline, utility main or sewer, trench or tunnel and includes the installation of any fixtures, materials, services or machinery therein and any work in connection therewith at the construction site;
- (b) "construction industry" means the businesses engaged in construction and includes a person who contracts with any person to undertake all the work on a construction site and an owner who contracts with more than one person for parts of the work on a construction site or undertakes all or part of the work on a construction site himself;
- (c) "employment" means the hiring of or contracting with tradesmen;
- (d) "Minister" means the Minister of Labour;
- (e) "permanently resident in Ontario" means actual residence in Ontario for a period of at least twelve months within the fifteen months immediately prior to employment or actual residence in Ontario with the settled intention of permanently residing in Ontario;
- (f) "tradesmen" means persons who engage in a trade, calling or occupation in construction or who represent themselves as being available to work on a construction site in a trade, calling or occupation.

Minister  
may issue  
code

**2.**—(1) Where in the opinion of the Minister it is necessary to eliminate or reduce instability in the employment of tradesmen by the construction industry, or to promote employment opportunities therein, the Minister, subject to the approval of the Lieutenant Governor in Council, may issue a code or codes of employment practices establishing measures and procedures respecting the employment of tradesmen in construction, including provisions that tradesmen permanently resident in Ontario shall be given preference in employment.

Application  
of code

(2) A code of employment practices may,

- (a) apply to the whole or any part of Ontario;
- (b) apply to the whole or any part of the construction industry or of construction;
- (c) apply to tradesmen generally or specifically; and
- (d) provide for exemptions therefrom.

Minister  
may amend  
or revoke  
code

(3) The Minister, subject to the approval of the Lieutenant Governor in Council, may amend or revoke any code of employment practices or any provision thereof.

R.S.O. 1970,  
c. 410  
does not  
apply

(4) *The Regulations Act* does not apply to a code of employment practices issued under this Act.

Publication  
of code  
and effect  
of publication

(5) A code of employment practices and any amendment or revocation thereof shall be published in *The Ontario Gazette* and such publication shall be deemed to be notice of its contents to every person and trade union subject to it or affected by it, and judicial notice shall be taken of it, its contents and its publication.

Code to  
bind

**3.** A code of employment practices binds every person and trade union subject to it or affected by it.

Records to  
be kept

**4.** An employer to whom a code of employment practices applies shall keep a record of work hours of employment of tradesmen who are permanently resident in Ontario and of tradesmen who are not permanently resident in Ontario.

Offence

**5.**—(1) Every person or trade union who contravenes or fails to comply with,

- (a) a provision of this Act; or
- (b) a code of employment practices or a provision thereof,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

(2) It shall be a defence to a prosecution under clause *b* of subsection 1 for an accused to prove that he took every reasonable step to comply with a code of employment practices or the relevant provisions thereof.

Defence to prosecution

(3) Anything done or neglected to be done by a person who purports to act on behalf of an employer or trade union shall be deemed to have been done or have been neglected to be done by the employer or trade union as well as by the person.

Acts deemed acts of employer

(4) A prosecution for an offence under this Act may be instituted against a trade union in the name of the trade union.

Prosecution against trade union

**6.** A code of employment practices issued under this Act applies notwithstanding the provisions of any other Act of the Legislature or of any collective agreement or any rules, practices, by-laws or provisions of the constitution of a trade union.

Application of code

**7.** This Act comes into force on the day it receives Royal Assent.

Commencement

**8.** The short title of this Act is *The Construction Industry Employment Stabilization Act, 1978*.

Short title







An Act to stabilize Employment of  
Tradesmen in the Construction Industry

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*1st Reading*

June 22nd, 1978

*2nd Reading*

*3rd Reading*

---

THE HON. B. STEPHENSON  
Minister of Labour

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*(Government Bill)*

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

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**The Metric Conversion Statute Law  
Amendment Act, 1978**

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THE HON. J. R. RHODES  
Minister of Industry and Tourism

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#### EXPLANATORY NOTES

SECTION 1.—Subsection 1. The definition of “orchard” is amended. One acre is approximately 0.4 hectares. Twenty-six trees per acre are approximately 64.2 trees per hectare.

Subsection 2. The subsection refers to proximity to commercial orchards. Three hundred yards are approximately 274.3 metres.

SECTION 2.—Subsection 1. The reference is to the proximity to an existing society. Twenty-five miles are approximately 40.2 kilometres.

Subsection 2. The reference is to the distance from the place of residence of persons signing a declaration to the place designated as the headquarters of a society.



BILL 137

1978

## The Metric Conversion Statute Law Amendment Act, 1978

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### PART I

#### MINISTRY OF AGRICULTURE AND FOOD

- 1.—(1) Clause *f* of subsection 1 of section 1 of *The Abandoned Orchards Act*, being chapter 1 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970,  
c. 1  
s. 1 (1) (*f*),  
amended

(a) by striking out “one-half acre” in the first line and inserting in lieu thereof “one-fifth hectare”; and

(b) by striking out “twenty-six fruit trees per acre” in the fourth line and inserting in lieu thereof “sixty-five fruit trees per hectare”.

- (2) Subsection 2 of section 1 of the said Act is amended by s. 1 (2),  
amended striking out “300 yards” in the second line and inserting in lieu thereof “275 metres”.

- 2.—(1) Subsection 2 of section 3 of *The Agricultural Societies Act*, being chapter 15 of the Revised Statutes of Ontario, 1970, is amended by striking out “twenty-five miles” in the second line and inserting in lieu thereof “forty kilometres”. R.S.O. 1970,  
c. 15  
s. 3 (2),  
amended

- (2) Paragraph 1 of section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 46, section 2, is amended by striking out “twenty-five miles” in the fifth line and inserting in lieu thereof “forty kilometres”. s. 4, par. 1,  
amended

s. 19 (2),  
amended

- (3) Subsection 2 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 46, section 7, is amended by striking out "three hundred yards" in the sixth line and inserting in lieu thereof "275 metres".

R.S.O. 1970,  
c. 42  
s. 5 (1) (b),  
amended

- 3.** Clause *b* of subsection 1 of section 5 of *The Beef Cattle Marketing Act*, being chapter 42 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 43, section 1, is amended,

(a) in subclause i, by striking out "500 pounds" in the second line and inserting in lieu thereof "225 kilograms"; and

(b) in subclause ii, by striking out "500 pounds" in the second line and inserting in lieu thereof "225 kilograms".

R.S.O. 1970,  
c. 43  
s. 19 (1),  
amended

- 4.—(1)** Subsection 1 of section 19 of *The Bees Act*, being chapter 43 of the Revised Statutes of Ontario, 1970, is amended by striking out "thirty feet" in the third line and inserting in lieu thereof "nine metres".

s. 19 (2),  
amended

- (2) Subsection 2 of section 19 of the said Act is amended,

(a) by striking out "seven feet" in the third line and inserting in lieu thereof "two metres"; and

(b) by striking out "fifteen feet" in the fourth line and inserting in lieu thereof "4.5 metres".

s. 19 (3),  
amended

- (3) Subsection 3 of section 19 of the said Act is amended by striking out "100 feet" in the third line and inserting in lieu thereof "thirty metres".

R.S.O. 1970,  
c. 133  
s. 13 (2) (b),  
amended

- 5.** Clause *b* of subsection 2 of section 13 of *The Dog Licensing and Live Stock and Poultry Protection Act*, being chapter 133 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1974, chapter 94, section 3, is further amended by striking out "fifty pounds" in the second line and inserting in lieu thereof "twenty-five kilograms".

1975, c. 79  
s. 1, par. 3,  
amended

- 6.—(1)** Paragraph 3 of section 1 of *The Drainage Act, 1975*, being chapter 79, is amended,

(a) in subparagraph i, by striking out "600 feet" in the third line and inserting in lieu thereof "200 metres";

(b) in subparagraph ii, by striking out "300 feet" in the third line and inserting in lieu thereof "100 metres"; and

Subsection 3. The reference is to the distance from exhibition grounds for the purpose of prevention or regulation of performances and sales. Three hundred yards are approximately 274.3 metres.

SECTION 3. The references are to the live weight of cattle. Five hundred pounds are approximately 225 kilograms.

SECTION 4.—Subsection 1. The reference is to the distance between hives containing bees and a highway, dwelling or cultivated field. Thirty feet are approximately 9.1 metres.

Subsection 2. The references are to the height and length of a hedge or solid fence. Seven feet are approximately 2.1 metres and fifteen feet are approximately 4.5 metres.

Subsection 3. The reference is to the distance between hives containing bees and a property line. One hundred feet are approximately 30.4 metres.

SECTION 5. The reference is to the weight of poultry killed or injured. Fifty pounds are approximately 22.5 kilograms.

SECTION 6.—Subsection 1. The references are to road distances in the definition of "built-up area". Six hundred feet are approximately 182.8 metres and 300 feet are approximately 91.4 metres.

Subsection 2. The references are to proximity to the sides of drainage works and to the upstream point of commencement of drainage works. Two thousand five hundred feet are approximately 761.6 metres.

Subsection 3. The reference is to the area affected by drainage works. A hectare is 10,000 square metres or approximately 2.4 acres.

SECTION 7. Section 21 of *The Farm Products Marketing Act* deals with the production of tobacco. A hectare is 10,000 square metres or approximately 2.4 acres. Webster's dictionary defines "hectarage" as "area in hectares".

SECTION 8. The reference is to the weighing capacity of scales. Three thousand pounds are approximately 1,360.7 kilograms.

(c) in subparagraph iii, by striking out "600 feet" in the first line and inserting in lieu thereof "200 metres".

(2) Subsection 5 of section 3 of the said Act is amended by striking out "2,500 feet" in the first line and in the second line and inserting in lieu thereof in each instance "750 metres". s. 3 (5),  
amended

(3) Section 36 of the said Act is amended by striking out "acres" in the fourth line and inserting in lieu thereof "hectares". s. 36,  
amended

7.—(1) Clause *d* of subsection 1 of section 21 of *The Farm Products Marketing Act*, being chapter 162 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970,  
c. 162  
s. 21 (1) (d),  
amended

(a) by striking out "acreage" in the first line and inserting in lieu thereof "hectarage"; and

(b) by striking out "acres" in the first line and inserting in lieu thereof "hectares".

(2) Clause *e* of subsection 1 of section 21 of the said Act is amended by striking out "acreage" in the tenth line and inserting in lieu thereof "hectarage". s. 21 (1) (e),  
amended

(3) Clause *b* of subsection 2 of section 21 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 156, section 2, is amended by striking out "acreage" wherever it occurs and inserting in lieu thereof in each instance "hectarage". s. 21 (2) (b),  
amended

(4) Clause *c* of subsection 2 of section 21 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 156, section 2, is amended, s. 21 (2) (c),  
amended

(a) by striking out "acreages" in the second line and inserting in lieu thereof "hectarages"; and

(b) by striking out "acreage" in the sixth line and in the ninth line and inserting in lieu thereof in each instance "hectarage".

8. Clause *f* of section 5 of *The Live Stock Community Sales Act*, being chapter 253 of the Revised Statutes of Ontario, 1970, is amended by striking out "3,000 pounds" in the first and second lines and inserting in lieu thereof "1,361 kilograms". R.S.O. 1970,  
c. 253  
s. 5 (f),  
amended

R.S.O. 1970,  
c. 493  
s. 14,  
amended

9. Section 14 of *The Weed Control Act*, being chapter 493 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 39, section 5 and 1973, chapter 89, section 2, is further amended by striking out "ten acres" in the seventh line and inserting in lieu thereof "four hectares".

1974, c. 56  
s. 5 (1) (a),  
amended

10. Clause *a* of subsection 1 of section 5 of *The Wool Marketing Act, 1974*, being chapter 56, is amended by striking out "5 cents per pound" in the second line and inserting in lieu thereof "11 cents per kilogram".

## PART II

### MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

R.S.O. 1970,  
c. 49  
s. 4 (1),  
amended

- 11.—(1) Subsection 1 of section 4 of *The Bread Sales Act*, being chapter 49 of the Revised Statutes of Ontario, 1970, is amended by striking out "16, 24 or 48 ounces avoirdupois" in the third line and inserting in lieu thereof "450, 570, 675 or 900 grams".

s. 4 (2),  
amended

- (2) Subsection 2 of the said section 4 is amended by striking out "12 ounces avoirdupois" in the second line and inserting in lieu thereof "340 grams".

1974, c. 74  
s. 1 (b),  
amended

12. Clause *b* of section 1 of *The Building Code Act, 1974*, being chapter 74, is amended by striking out "100 square feet" in the second line and inserting in lieu thereof "ten square metres".

R.S.O. 1970,  
c. 189  
s. 1 (1) (f),  
amended

- 13.—(1) Clause *f* of subsection 1 of section 1 of *The Gasoline Handling Act*, being chapter 189 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 115, section 1, is amended by striking out "100°F." in the second line and inserting in lieu thereof "40°C.".

s. 3,  
amended

- (2) Section 3 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 115, section 3, is further amended by striking out "100°F." in the amendment of 1973 and inserting in lieu thereof "40°C.".

R.S.O. 1970,  
c. 459  
s. 25,  
amended

14. Section 25 of *The Theatres Act*, being chapter 459 of the Revised Statutes of Ontario, 1970, is amended by striking out "200 feet" in the second line and inserting in lieu thereof "sixty metres".



SECTION 9. The reference is to the maximum size of lots on which a weed inspector may cause noxious weeds or weed seeds to be destroyed. Ten acres are approximately 4.04 hectares.

SECTION 10. The reference is to the maximum fee that may be fixed for a licence. One kilogram is approximately 2.2 pounds. Five cents per pound is approximately eleven cents per kilogram.

SECTION 11.—Subsection 1. The reference is to the weight of loaves of bread.

Sixteen ounces are approximately 453 grams.

Twenty-four ounces are approximately 680 grams.

Forty-eight ounces are approximately 1,360 grams.

Subsection 2. The reference is to the maximum weight of small-bread.

Twelve ounces are approximately 340.1 grams.

SECTION 12. The clause defines "building". One hundred square feet are approximately 9.2 square metres.

SECTION 13.—Subsection 1. The clause defines "gasoline". A temperature of 100°F. is approximately 37.7°C.

Subsection 2. The reference is to the flash point of gasoline or an associated product.

SECTION 14. The section authorizes the passing of by-laws prohibiting the construction of a theatre near a church or place of worship. Two hundred feet are approximately 60.9 metres.



SECTION 15.—Subsection 1. The references are to distance from a child's residence for the purpose of determining whether or not the child is excused from attendance at school.

One mile is approximately 1.6 kilometres.

Subsection 2. The references are to distances by road.

Subsections 3 and 4. The references are to distance from the centre of a separate school zone.

Subsections 5 and 6. The references are to the size of an area in a township for the purpose of convening a public meeting of persons desiring to establish a separate school zone.

Subsections 7, 8, 9 and 10. The references are to distance between a residence and a secondary school.

## PART III

## MINISTRY OF EDUCATION

- 15.**—(1) Clause *c* of subsection 2 of section 20 of *The Education Act*, 1974, being chapter 109, is amended, 1974, c. 109,  
s. 20 (2) (c),  
amended
- (a) in subclause i, by striking out “one mile” in the first line and inserting in lieu thereof “1.6 kilometres”;
  - (b) in subclause ii, by striking out “two miles” in the first line and inserting in lieu thereof “3.2 kilometres”; and
  - (c) in subclause iii, by striking out “three miles” in the first line and inserting in lieu thereof “4.8 kilometres”.
- (2) Section 36 of the said Act is amended, s. 36,  
amended
- (a) in clause *a*, by striking out “two miles” in the first line and inserting in lieu thereof “3.2 kilometres”; and
  - (b) in clause *b*, by striking out “one-half mile” in the first line and inserting in lieu thereof “0.8 kilometres”.
- (3) Subsection 7 of section 80 of the said Act is amended by striking out “three miles” in the second line and inserting in lieu thereof “4.8 kilometres”. s. 80 (7),  
amended
- (4) Subsection 8 of section 80 of the said Act is amended by striking out “three miles” in the eighth line and inserting in lieu thereof “4.8 kilometres”. s. 80 (8),  
amended
- (5) Subsection 1 of section 83 of the said Act is amended by striking out “six-mile” in the third line and inserting in lieu thereof “9.6 kilometre”. s. 83 (1),  
amended
- (6) Subsection 1 of section 104 of the said Act is amended by striking out “six-mile” in the third line and inserting in lieu thereof “9.6 kilometre”. s. 104 (1),  
amended
- (7) Subsection 7 of section 163 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 50, section 25, is further amended by striking out “fifteen miles” in the third line and inserting in lieu thereof “twenty-four kilometres”. s. 163 (7),  
amended

- s. 163 (8),  
amended
- (8) Subsection 8 of section 163 of the said Act is amended by striking out "fifteen miles" in the third line and inserting in lieu thereof "twenty-four kilometres".
- s. 163 (9),  
amended
- (9) Subsection 9 of section 163 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 50, section 25, is amended,
- (a) in clause *a*, by striking out "fifteen miles" and inserting in lieu thereof "twenty-four kilometres"; and
- (b) in clause *b*, by striking out "thirty miles" and inserting in lieu thereof "forty-eight kilometres".
- s. 163 (10),  
amended
- (10) Subsection 10 of section 163 of the said Act is amended by striking out "fifteen miles" in the third line and inserting in lieu thereof "twenty-four kilometres".
- s. 164 (3) (b),  
amended
- (11) Clause *b* of subsection 3 of section 164 of the said Act is amended by striking out "a mileage allowance at a rate" in the first line and inserting in lieu thereof "an allowance at a rate per kilometre".
- s. 182 (3),  
amended
- (12) Subsection 3 of section 182 of the said Act is amended by striking out "15 cents for each mile" in the first and second lines and inserting in lieu thereof "10 cents for each kilometre".
- s. 220 (3),  
amended
- (13) Subsection 3 of section 220 of the said Act is amended by striking out "three miles" where it occurs in the fifth line, the twelfth line and the twenty-third line and inserting in lieu thereof in each instance "4.8 kilometres".
- s. 221 (2),  
amended
- (14) Subsection 2 of section 221 of the said Act is amended by striking out "three miles" in the seventh line and inserting in lieu thereof "4.8 kilometres".

## PART IV

### MINISTRY OF ENERGY

R.S.O. 1970,  
c. 354  
s. 47 (3),  
amended

- 16.** Subsection 3 of section 47 of *The Power Corporation Act*, being chapter 354 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 73 and 1973, chapter 57, section 2, is further amended by striking out "\$8 for each square foot" in the eighth line and inserting in lieu thereof "\$86.11 for each square metre".

Subsection 11. The reference is to a travel allowance that may be paid by a board to a member of the board.

Subsection 12. The reference is to the travel allowance to which an arbitrator is entitled. Fifteen cents for each mile is approximately 9.3 cents for each kilometre.

Subsection 13. The reference in the third line is to the location of a separate school in relation to a trailer. The reference in the twelfth line is to a part of a municipality in relation to a separate school. The reference in the twenty-third line is to a part of a secondary school district in relation to a separate school.

Subsection 14. The reference is to the location of a separate school in relation to a trailer.

SECTION 16. The subsection provides for payments by the Corporation to municipalities based on assessed value. The amendment converts the basis for the assessed value from "\$8 for each square foot" to "\$86.11 for each square metre". One square metre is approximately 10.764 square feet.

SECTION 17. The reference is to the area of a parcel of land or of a lot.

A parcel or lot of more than the specified area is exempt from payment of a fee under the section.

SECTION 18.—Subsection 1. Subsection 3 of section 37 of *The Ontario Water Resources Act* prohibits the taking of water, by the means set out in the clauses, in excess of the stated amount without a permit issued by a Director.

Subsection 2. Clause *b* of subsection 9 of section 41 of the Act provides an exception, in the case of a water works not capable of supplying water at a rate greater than the stated amount, from other provisions contained in the section.

10,000 gallons are approximately 45,460.9 litres.

SECTION 19. The reference is to the scale of a plan of premises for which a licence is requested under the Act.

One-eighth of an inch is approximately 3.17 millimetres and one foot is approximately 30.4 centimetres.

SECTION 20.—Subsection 1. The reference is to distance, for the purpose of qualifying to apply to a judge of the Supreme Court for an order for the removal or abatement of a nuisance. A mile is approximately 1.6 kilometres.

Subsection 2. The reference is to the volume of air space in sleeping rooms of premises. Six hundred cubic feet are approximately 16.9 cubic metres.

Subsection 3. The reference is to distance from Algonquin Park for the purposes of the authority of the medical officer of health and public health inspectors for the park and the adjoining area.

## PART V

## MINISTRY OF THE ENVIRONMENT

- 17.** Subsection 2 of section 61b of *The Environmental Protection Act, 1971*, being chapter 86, as enacted by the Statutes of Ontario, 1973, chapter 94, section 6, is amended,
- (a) in clause *a*, by striking out "ten acres" in the third line and inserting in lieu thereof "four hectares"; and
  - (b) in clause *b*, by striking out "ten acres" in the third line and inserting in lieu thereof "four hectares".
- 18.—**(1) Subsection 3 of section 37 of *The Ontario Water Resources Act*, being chapter 332 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1974, chapter 19, section 2, is further amended by striking out "10,000 gallons" in the third line and inserting in lieu thereof "50,000 litres".
- (2) Clause *b* of subsection 9 of section 41 of the said Act is amended by striking out "10,000 gallons" in the second line and inserting in lieu thereof "50,000 litres".

## PART VI

## MINISTRY OF HEALTH

- 19.** Subsection 3 of section 2 of *The Private Sanitaria Act*, being chapter 363 of the Revised Statutes of Ontario, 1970, is amended by striking out "one-eighth of an inch to a foot" in the second line and inserting in lieu thereof "three millimetres to thirty centimetres".
- 20.—**(1) Subsection 2 of section 94 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, is amended by striking out "a mile" in the third line and inserting in lieu thereof "1.6 kilometres".
- (2) Subsection 2 of section 101 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 61, section 13, is further amended by striking out "600 cubic feet" in the third and fourth lines and inserting in lieu thereof "seventeen cubic metres".
- (3) Section 132 of the said Act is amended by striking out "one-mile" in the third line and inserting in lieu thereof "1.6 kilometres".



Sched. B,  
amended

(4) Schedule B to the said Act is amended,

- (a) in paragraph 8, by striking out "200 yards" in the third line and inserting in lieu thereof "180 metres" and by striking out "50 yards" in the fourth line and inserting in lieu thereof "forty-five metres";
- (b) in paragraph 22, by striking out "100 feet" in the third line and inserting in lieu thereof "thirty metres";
- (c) in paragraph 24, by striking out "six inches" in the fourth line and inserting in lieu thereof "fifteen centimetres"; and
- (d) in paragraph 27, by striking out "twelve inches wide and nine inches" in the fifth line and inserting in lieu thereof "thirty centimetres wide and twenty-two centimetres".

## PART VII

### MINISTRY OF HOUSING

R.S.O. 1970,  
c. 349,  
s. 33 (2) (b),  
amended

**21.**—(1) Clause *b* of subsection 2 of section 33 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, is amended by striking out "inch to 1,000 feet" in the first and second lines and inserting in lieu thereof "centimetre to 100 metres".

s. 35b (3),  
amended

(2) Subsection 3 of section 35b of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 168, section 10, is amended by striking out "acre for each 120" in the fourth line and inserting in lieu thereof "hectare for each 300".

s. 45a,  
enacted

(3) The said Act is amended by adding thereto the following section:

Application  
of s. 35 (10)

45a.—(1) Subsection 10 of section 35 does not apply to a by-law that amends a by-law only to express a word, term or measurement in the by-law in a unit of measurement set out in Schedule I of the *Weights and Measures Act* (Canada) in accordance with the definitions set out in Schedule II of that Act and that,

R.S.C. 1970,  
c. W-8

- (a) does not round any measurement so expressed further than to the next higher or lower multiple of 0.5 metres or 0.5 square metres, as the case may be; or



Subsection 4. Schedule B is the statutory by-law provided by section 125 of the Act.

Clause *a*. The references are to the minimum distance a slaughter house must be from a dwelling and from a public street. Two hundred yards are approximately 182.8 metres. Fifty yards are approximately 45.7 metres.

Clause *b*. The reference is to the distance that a swine pen must be kept from a dwelling, school or church. One hundred feet are approximately 30.4 metres.

Clause *c*. The reference is to the thickness of the covering of a site made up of refuse, before a house may be built on the site. Six inches are approximately 15.2 centimetres.

Clause *d*. The reference is to the size of a quarantine card. Twelve inches are approximately 30.4 centimetres. Nine inches are approximately 22.8 centimetres.

SECTION 21.—Subsection 1. The reference is to the scale of a plan.

Subsection 2. The reference is to the amount of land that a by-law may require to be conveyed for park purposes. One acre per 120 dwelling units is approximately one hectare per 296.5 dwelling units.

Subsection 3. The effect of subsection 1 of the new section 45*a* is that the approval of the Ontario Municipal Board will not be required where a by-law is amended to convert measurements to the metric system in accordance with the tolerances set out in the subsection.

Subsection 2 of the new section 45a protects the position of land, buildings and structures where a by-law is passed or an order is made that conforms with subsection 1 of the section.

SECTION 22. The references are to units of volume of sand.

SECTION 23. The reference is to the price to be paid for certain lands.

\$1 per acre is approximately \$2.47 per hectare.

SECTION 24. The references are to area of land over which a conservation authority has jurisdiction and to the total area of a municipality.

SECTION 25.—Subsections 1 and 2. The references are to distance from a forest or woodland.

1,000 feet are approximately 304 metres.

- (b) does not vary by more than 5 per cent any measurement so expressed.

(2) Any land, building or structure that otherwise conforms with a by-law passed under section 35 or an order made by the Minister under section 32 does not cease to conform with the by-law or order by reason only of an amendment to the by-law or order that conforms with subsection 1.

Effect of amendment that conforms with subsection 1

## PART VIII

### MINISTRY OF NATURAL RESOURCES

- 22.**—(1) Subsection 1 of section 14 of *The Beach Protection Act*, R.S.O. 1970, c. 40, s. 14 (1), amended, being chapter 40 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 11, is amended by striking out “yard” in the fourth line and inserting in lieu thereof “cubic metre”.
- (2) Subsection 2 of section 14 of the said Act is amended s. 14 (2), amended by striking out “yard” in the first line and inserting in lieu thereof “cubic metre”.
- 23.** Section 3 of *The Canada Company's Lands Act, 1922*, being 1922, c. 24, s. 3, amended chapter 24, as amended by the Statutes of Ontario, 1953, chapter 11, section 1, is further amended by striking out “\$1 per acre” in the second line and in the amendment of 1953 and inserting in lieu thereof “\$2.50 per hectare”.
- 24.** Subsection 4 of section 13 of *The Conservation Authorities Act*, R.S.O. 1970, c. 78, s. 13 (4), amended, being chapter 78 of the Revised Statutes of Ontario, 1970, is amended,
- (a) by striking out “number of acres in” in the sixth line and inserting in lieu thereof “area of”; and
- (b) by striking out “acreage” in the seventh line and inserting in lieu thereof “area”.
- 25.**—(1) Subsection 2 of section 11 of *The Forest Fires Prevention Act*, R.S.O. 1970, c. 179, s. 11 (2), amended being chapter 179 of the Revised Statutes of Ontario, 1970, is amended by striking out “1,000 feet” in the second line and inserting in lieu thereof “300 metres”.
- (2) Subsection 1 of section 15 of the said Act is amended s. 15 (1), amended by striking out “1,000 feet” in the second line and inserting in lieu thereof “300 metres”.

s. 17,  
amended

(3) Section 17 of the said Act is amended,

(a) by striking out "1,000 feet" in the third line and inserting in lieu thereof "300 metres"; and

(b) by striking out "100 feet" in the fifth line and inserting in lieu thereof "thirty metres".

s. 26,  
amended

(4) Section 26 of the said Act is amended by striking out "one-half mile" in the first line and inserting in lieu thereof "800 metres".

s. 28,  
amended

(5) Section 28 of the said Act is amended by striking out "1,000 feet" in the first line and inserting in lieu thereof "300 metres".

s. 29,  
amended

(6) Section 29 of the said Act is amended by striking out "1,000 feet" in the second line and inserting in lieu thereof "300 metres".

s. 32,  
amended

(7) Section 32 of the said Act is amended by striking out "1,000 feet" in the first line and inserting in lieu thereof "300 metres".

R.S.O. 1970,  
c. 233,  
s. 33 (1),  
amended

**26.** Subsection 1 of section 33 of *The Lakes and Rivers Improvement Act*, being chapter 233 of the Revised Statutes of Ontario, 1970, is amended by striking out "eighteen feet" in the sixth line and inserting in lieu thereof "5.5 metres".

R.S.O. 1970,  
c. 298,  
s. 11 (1),  
amended

**27.—**(1) Subsection 1 of section 11 of *The Niagara Parks Act*, being chapter 298 of the Revised Statutes of Ontario, 1970, is amended by striking out "three miles" in the second and third lines and inserting in lieu thereof "five kilometres".

s. 20 (1) (f),  
amended

(2) Clause *f* of subsection 1 of section 20 of the said Act is amended by striking out "one-quarter mile" in the fourth line and inserting in lieu thereof "400 metres".

1971, c. 94,  
s. 11,  
amended

**28.** Section 11 of *The Petroleum Resources Act, 1971*, being chapter 94, is amended,

(a) in subsection 3, by striking out "one mile" in the fourth line and inserting in lieu thereof "1.6 kilometres"; and

(b) in subsection 4, by striking out "one mile" in the fourth line and inserting in lieu thereof "1.6 kilometres".

Subsection 3. The first reference is to distance from a forest or woodland and the second is to distance from a camp, mine, mill or garbage dump. One hundred feet are approximately 30.4 metres.

Subsection 4. The reference is to distance from a village, town or city.

One-half mile is approximately 804 metres.

Subsections 5, 6 and 7. The references are to distance from a forest or woodland.

SECTION 26. The reference is to the maximum length of logs.

Eighteen feet are approximately 5.48 metres.

SECTION 27.—Subsection 1. The reference is to distance from the lands of The Niagara Parks Commission. Three miles are approximately 4.8 kilometres.

Subsection 2. The reference is to distance from any part of the Parks. One-quarter mile is approximately 402 metres.

SECTION 28. The references are to distance from a designated gas storage area.

One mile is approximately 1.6 kilometres.

SECTION 29.—Subsection 1. The reference to “acreage” is a reference to the area of lands described in a site plan.

The distance of 500 feet referred to is distance from any of the boundaries of the lands set aside for the purposes of the pit or quarry. 500 feet are approximately 152 metres.

The amount of 10,000 cubic yards referred to is a reference to the amount produced per year by a pit or quarry. A tonne is 1,000 kilograms.

Subsection 2. The reference is to distance measured horizontally from the natural edge of the Niagara Escarpment. 300 feet are approximately 91 metres.

SECTION 30.—Subsection 1. The references are to the maximum area of land that may be granted for specified public purposes. Ten acres are approximately four hectares.

Subsection 2. The first reference is to the maximum size of parcels of land. The second reference is to the minimum sale price. The third reference is to the minimum rent per annum. \$10 per acre is approximately \$24.71 per hectare. \$5 per acre is approximately \$12.355 per hectare.

Subsection 3. The reference is to distance at which a red or flashing amber light must be visible. 500 feet are approximately 152 metres.

Subsection 4. The first reference is to distance from land that is sold, and the second reference is to land that is cleared and cultivated. Five miles are approximately eight kilometres. Fifteen acres are approximately 6.07 hectares.



29.—(1) Section 4 of *The Pits and Quarries Control Act, 1971*, being chapter 96, is amended, 1971 c. 96  
s. 4,  
amended

(a) in subsection 2,

(i) by striking out “acreage” in the fifth line and inserting in lieu thereof “hectarage”, and

(ii) by striking out “500 feet” in the ninth line and inserting in lieu thereof “150 metres”; and

(b) in subsection 3, by striking out “10,000 cubic yards” in the second line and inserting in lieu thereof “15,000 tonnes”.

(2) Subsection 1 of section 10 of the said Act is amended by striking out “300 feet” in the fourth line and inserting in lieu thereof “ninety metres”. s. 10(1),  
amended

30.—(1) Subsection 1 of section 14 of *The Public Lands Act*, being chapter 380 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970  
c. 380,  
s. 14(1),  
amended

(a) by striking out “ten acres” in the tenth line and inserting in lieu thereof “four hectares”; and

(b) by striking out “100 acres” in the twelfth line and inserting in lieu thereof “forty hectares”.

(2) Section 19 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 29, section 4, is further amended, s. 19,  
amended

(a) by striking out “ten acres” in the sixth line and inserting in lieu thereof “five hectares”; and

(b) by striking out “\$10 an acre” in the sixth and seventh lines and inserting in lieu thereof “\$24.70 a hectare”; and

(c) by striking out “\$5 an acre” in the seventh line and inserting in lieu thereof “\$12.35 a hectare”.

(3) Subsection 3 of section 54 of the said Act is amended by striking out “500 feet” in the sixth line and inserting in lieu thereof “150 metres”. s. 54,  
amended

(4) Section 58 of the said Act is amended, s. 58,  
amended



(a) in clause *b*, by striking out “five miles” in the second and third lines and inserting in lieu thereof “eight kilometres”; and

(b) in clause *c*, by striking out “fifteen acres” in the third line and inserting in lieu thereof “seven hectares”.

s. 60 (5),  
amended

(5) Subsection 5 of section 60 of the said Act is amended by striking out “200 acres” in the fifth line and inserting in lieu thereof in each instance “eighty hectares”.

s. 72,  
amended

(6) Section 72 of the said Act is amended,

(a) in subsection 2, by striking out “acreage” in the seventh line and inserting in lieu thereof “area”;

(b) in subsection 4, by striking out “acreage” in the second line and in the fourth line and inserting in lieu thereof in each instance “area”;

(c) in subsection 6, by striking out “acreage” in the third line and inserting in lieu thereof “area”; and

(d) in subsection 7, by striking out “acreage” in the eighth line and inserting in lieu thereof “area”.

1966, c. 146,  
s. 11,  
amended

**31.**—(1) Section 11 of *The St. Clair Parkway Commission Act*, 1966, being chapter 146, is amended by striking out “three miles” in the second and third lines and inserting in lieu thereof “five kilometres”.

s. 19 (1) (*f*),  
amended

(2) Clause *f* of subsection 1 of section 19 of the said Act is amended by striking out “one-quarter mile” in the fourth line and inserting in lieu thereof “400 metres”.

R.S.O. 1970,  
c. 453,  
s. 31 (2),  
par. 3,  
amended

**32.**—(1) Paragraph 3 of subsection 2 of section 31 of *The Surveys Act*, being chapter 453 of the Revised Statutes of Ontario, 1970, is amended by striking out “twenty chains” in the fourteenth line and inserting in lieu thereof “400 metres”.

s. 37 (2),  
par. 3,  
amended

(2) Paragraph 3 of subsection 2 of section 37 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 30, section 5, is further amended by striking out “twenty chains” in the thirteenth line and inserting in lieu thereof “400 metres”.

R.S.O. 1970,  
c. 498, s. 3,  
amended

**33.** Section 3 of *The Wilderness Areas Act*, being chapter 498 of the Revised Statutes of Ontario, 1970, is amended by striking

Subsection 5. The references are to lands on which some species of trees have been reserved to the Crown. 200 acres are approximately 80.9 hectares.

Subsection 6. The "acreage" referred to is a reference to the area of all the lots on a plan to be deposited, filed or registered under any Act.

SECTION 31. The references are to distance from the Parks. Three miles are approximately 4.8 kilometres. One-quarter mile is approximately 402 metres.

SECTION 32. The reference is to distance between ascertainable points on a side line of sections of a township.

Twenty chains are approximately 402 metres.

SECTION 33. The reference is to the size of a wilderness area. 640 acres are approximately 258.9 hectares.

SECTION 34.—Subsection 1. The term “woodlands” is defined.

400 trees per acre are approximately 988 trees per hectare.

300 trees per acre are approximately 741 trees per hectare.

200 trees per acre are approximately 494 trees per hectare.

100 trees per acre are approximately 247 trees per hectare.

Two inches are approximately five centimetres.

Five inches are approximately 12.7 centimetres.

Eight inches are approximately 20.3 centimetres.

Four and one-half feet are approximately 1.37 metres.

Subsection 2. The reference is to an amount per unit of area.

SECTION 35.—Subsection 1. The reference in clause *a* is to distance between any gasoline pump and any limit of a county road. The reference in clause *b* is to distance between any sign, notice or advertising device and any limit of a county road. 150 feet are approximately 45.7 metres. One-quarter mile is approximately 402 metres.

Subsection 2. The reference is to distance on either side of the limit of a county road. One hundred feet are 30.48 metres.

Subsection 3. The reference is to distance from any limit of a county road.

SECTION 36.—Subsection 1. The reference in clause *a* is to distance between any gasoline pump and any limit of a district road. The reference in clause *b* is to distance between any sign, notice or advertising device and any limit of a district road.

out "640 acres" in the third line and inserting in lieu thereof "260 hectares".

- 34.**—(1) Clause *h* of section 1 of *The Woodlands Improvement Act*, R.S.O. 1970, being chapter 502 of the Revised Statutes of Ontario, c. 502, s. 1 (*h*), 1970, is repealed and the following substituted therefor: re-enacted

(*h*) "woodlands" means lands having at least 1,000 trees per hectare of all sizes or at least 750 trees per hectare measuring over five centimetres in diameter or at least 500 trees per hectare measuring over twelve centimetres in diameter or at least 250 trees per hectare measuring over twenty centimetres in diameter (all such measurements to be taken at least 1.3 metres from the ground), but does not include a plantation established for the purpose of producing Christmas trees.

- (2) Clause *b* of subsection 1 of section 5 of the said Act is amended by striking out "acre" in the first line and inserting in lieu thereof "hectare". s. 5 (1) (*b*), amended

## PART IX

### MINISTRY OF TREASURY, ECONOMICS AND INTERGOVERNMENTAL AFFAIRS

- 35.**—(1) Subsection 1 of section 40 of *The County of Oxford Act*, 1974, c. 57, 1974, being chapter 57, is amended, s. 40 (1), amended

(*a*) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and

(*b*) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

- (2) Subsection 4 of section 41 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres". s. 41 (4), amended

- (3) Subsection 1 of section 46 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres". s. 46 (1), amended

- 36.**—(1) Subsection 1 of section 55 of *The District Municipality of Muskoka Act*, R.S.O. 1970, being chapter 131 of the Revised Statutes of Ontario, 1970, is amended, c. 131, s. 55 (1), amended

(a) in clause *a*, by striking out “150 feet” in the first line and inserting in lieu thereof “forty-five metres”; and

(b) in clause *b*, by striking out “one-quarter mile” in the first and second lines and inserting in lieu thereof “400 metres”.

s. 56 (4),  
amended

(2) Subsection 4 of section 56 of the said Act is amended by striking out “100 feet” in the fourth line and inserting in lieu thereof “thirty metres”.

s. 61 (1),  
amended

(3) Subsection 1 of section 61 of the said Act is amended by striking out “150 feet” in the second line and inserting in lieu thereof “forty-five metres”.

R.S.O. 1970,  
c. 198, s. 14 (4),  
amended

**37.** Subsection 4 of section 14 of *The Haliburton Act*, being chapter 198 of the Revised Statutes of Ontario, 1970, is amended by striking out “fifteen miles” in the second line and inserting in lieu thereof “twenty-five kilometres”.

R.S.O. 1970,  
c. 248,  
Form 3,  
amended

**38.** Form 3 of *The Line Fences Act*, being chapter 248 of the Revised Statutes of Ontario, 1970, is amended by striking out “rod” in the thirteenth line and inserting in lieu thereof “metre”.

R.S.O. 1970,  
c. 255,  
s. 2 (1) (l),  
amended

**39.—**(1) Clause *l* of subsection 1 of section 2 of *The Local Improvement Act*, being chapter 255 of the Revised Statutes of Ontario, 1970, is amended by striking out “two acres” in the second line and inserting in lieu thereof “one hectare”.

s. 3 (1),  
amended

(2) Subsection 1 of section 3 of the said Act is amended by striking out “foot” in the sixteenth line and inserting in lieu thereof “metre”.

s. 4 (1),  
amended

(3) Subsection 1 of section 4 of the said Act is amended by striking out “foot” in the eleventh line and inserting in lieu thereof “metre”.

s. 20,  
amended

(4) Section 20 of the said Act is amended,

(a) in subsection 1, by striking out “foot” in the fifth line and inserting in lieu thereof “metre”; and

(b) in subsection 4, by striking out “feet” in the sixth line and inserting in lieu thereof “metres”.

s. 23 (a),  
amended

(5) Clause *a* of section 23 of the said Act is amended by striking out “four feet” in the second line and inserting in lieu thereof “0.38 square metres”.

Subsection 2. The reference is to distance on either side of the limit of a district road.

Subsection 3. The reference is to distance from any limit of a district road.

SECTION 37. The reference is to distance from a grist mill. Fifteen miles are approximately 24.1 kilometres.

SECTION 38. The reference is to the minimum cost per unit of length of a fence.

SECTION 39.—Subsection 1. The reference is to the maximum area of a park or square. Two acres are approximately 0.8 hectares.

Subsections 2 and 3. The references are to special rates per unit of length of frontage of lots.

Subsection 4. The reference in subsection 1 of section 20 of the Act is to a special rate per unit of length of frontage of a lot. The reference in subsection 4 of section 20 is to distance on the side of a lot.

Subsection 5. The reference is to the sectional area of a sewer. Four square feet are approximately 0.371 square metres.



Subsection 6. The reference is to a special assessment per unit of frontage of property.

Subsections 7, 8 and 9. The references are to special rates per unit of length of frontage of lots.

Subsection 10. The references in clauses *a* and *b* are to the length of the frontage of property and the reference in clause *c* is to the rate assessed per unit of length of frontage.

Subsection 11. The reference is to a rate per unit of length.

Subsection 12. The reference is to a special rate per unit of length of frontage.

Subsection 13. The references are to cost per unit of length of frontage and to the special rate per unit of length of frontage.

SECTION 40.—Subsection 1. The subsection provides for by-laws to levy annual amounts upon agricultural research stations designated by the Minister of Agriculture and Food.

The conversions in clause *a* are:

1. From \$5 per acre for each of the first 100 acres to \$12.50 per hectare for each of the first forty hectares.
2. From \$2 per acre for each acre in excess of 100 acres up to 10,000 acres to \$5 per hectare for each hectare in excess of forty hectares up to 4,000 hectares.
3. From \$0.50 per acre in excess of 10,000 acres to \$1.25 per hectare in excess of 4,000 hectares.

One hectare is 10,000 square metres.

One acre is approximately 0.404 hectare.

100 acres are approximately 40.4 hectares.

10,000 acres are approximately 4,040 hectares.

\$5 per acre is approximately \$12.355 per hectare.

\$2 per acre is approximately \$4.942 per hectare.

\$0.50 per acre is approximately \$1.235 per hectare.



- (6) Subsection 1 of section 24 of the said Act is amended by striking out “foot” in the fourth line and inserting in lieu thereof “metre”. s. 24 (1), amended
- (7) Section 37 of the said Act is amended by striking out “foot” in the fifth line and inserting in lieu thereof “metre”. s. 37, amended
- (8) Section 38 of the said Act is amended by striking out “foot” in the tenth line and inserting in lieu thereof “metre”. s. 38, amended
- (9) Subsection 1 of section 40 of the said Act is amended by striking out “foot” in the third line and inserting in lieu thereof “metre”. s. 40 (1), amended
- (10) Section 41 of the said Act is amended, s. 41, amended
- (a) in clause *a*, by striking out “feet” in the third line and inserting in lieu thereof “metres”;
  - (b) in clause *b*, by striking out “feet” in the second line and inserting in lieu thereof “metres”; and
  - (c) in clause *c*, by striking out “foot” and inserting in lieu thereof “metre”.
- (11) Subclause vi of clause *a* of subsection 1 of section 48 of the said Act is amended by striking out “foot” in the first line and inserting in lieu thereof “metre”. s. 48 (1) (a) (vi), amended
- (12) Clause *b* of subsection 4 of section 53 of the said Act is amended by striking out “foot” in the fourth line and inserting in lieu thereof “metre”. s. 53 (4) (b), amended
- (13) Form 1 of the said Act is amended by striking out “foot” in the eleventh line and in the twenty-fifth line and inserting in lieu thereof in each instance “metre”. Form 1, amended
- 40.—**(1) Clause *a* of subsection 3*d* of section 304 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1975, chapter 8, section 2, is repealed and the following substituted therefor: R.S.O. 1970, c. 284, s. 304 (3*d*) (a), re-enacted
- (a) \$12.35 per hectare for each of the first forty hectares occupied by each such research station and \$5 per hectare for each hectare in excess of forty hectares occupied by each such research station up to 4,000 hectares and \$1.25 per hectare in excess of 4,000 hectares occupied by each such station; or

s. 340 (4),  
amended

- (2) Subsection 4 of section 340 of the said Act is amended by striking out “twenty feet” in the second line and inserting in lieu thereof “six metres”.

s. 340 (5),  
amended

- (3) Subsection 5 of section 340 of the said Act is amended by striking out “twenty feet” in the fifth line and inserting in lieu thereof “six metres”.

s. 354 (1),  
amended

- (4) Subsection 1 of section 354 of the said Act is amended,

(a) in paragraph 17, by striking out “twenty-five pounds” in the third line and inserting in lieu thereof “eleven kilograms”;

(b) in paragraph 108, by striking out “15 miles” in the second line and inserting in lieu thereof “20 kilometres”; and

(c) in paragraph 109, by striking out “14 feet” in the second line and inserting in lieu thereof “4.25 metres”.

s. 359 (6),  
par. 5,  
amended

- (5) Paragraph 5 of subsection 6 of section 359 of the said Act is amended by striking out “3,000 square feet” in the second and third lines and inserting in lieu thereof “300 square metres”.

s. 362 (7),  
amended

- (6) Subsection 7 of section 362 of the said Act is amended,

(a) in clause *a*, by striking out “foot” in the first line and inserting in lieu thereof “metre”;

(b) in clause *b*, by striking out “foot” in the first line and inserting in lieu thereof “metre”; and

(c) in clause *c*, by striking out “An acreage” in the first line and inserting in lieu thereof “A hectareage”.

s. 362 (14) (b),  
amended

- (7) Clause *b* of subsection 14 of section 362 of the said Act is amended,

(a) by striking out “foot” in the second line and inserting in lieu thereof “metre”; and

(b) by striking out “100 feet” in the eleventh line and inserting in lieu thereof “thirty metres”.

s. 364,  
amended

- (8) Section 364 of the said Act is amended,

(a) in paragraph 6, by striking out “three miles” in the sixth line and inserting in lieu thereof “five kilometres”; and

Subsections 2 and 3. The references are to the distance from a building line to the limit of a highway.

Twenty feet are approximately six metres.

Subsection 4. The reference in paragraph 17 is to quantities of explosives. Twenty-five pounds are approximately 11.3 kilograms.

The reference in paragraph 108 is to a rate of speed.

The reference in paragraph 109 is to the width of a highway.

Fourteen feet are approximately 4.26 metres.

Subsection 5. The reference is to the inside floor area of a building other than a residential building.

3,000 square feet are approximately 278 square metres.

Subsection 6. The references are to the computation of sewer rates. Clauses *a* and *b* refer to frontage rates and clause *c* to an area rate or rates. Webster's dictionary defines "hectarage" as "area in hectares".

Subsection 7. The references are to frontages of lands. One hundred feet are approximately 30.4 metres.

Subsection 8. The reference in paragraph 6 is to distance from a municipality. Three miles are approximately 4.8 kilometres.

The reference in paragraph 13 is to the volume of a cord of wood. 128 cubic feet are approximately 3.624 cubic metres.

Subsection 9. The reference is to distance from a market place. One hundred yards are approximately 91 metres.

Subsection 10. The reference is to distance beyond the limits of a municipality. Three miles are approximately 4.8 kilometres.

Subsection 11. The reference is to distance from the grounds of a district or township agricultural society. 300 yards are approximately 274.3 metres.

Subsection 12. The reference is to the width of a river or stream.

Subsection 13. The references are to the width of rivers, streams, ponds or lakes. Eighty feet are approximately 24.3 metres.

Subsection 14. The reference is to the approaches to a bridge.

Subsection 15. The references are to the length of a bridge.

300 feet are approximately 91.4 metres.

Subsection 16. The reference is to the width of rivers, streams, ponds or lakes.

Subsections 17 and 18. The references are to distance markers on highways.

- (b) in paragraph 13, by striking out “128 cubic feet” in the seventh line and inserting in lieu thereof “3.62 cubic metres”.
- (9) Subsection 8 of section 365 of the said Act is amended <sup>s. 365 (8), amended</sup> by striking out “100 yards” in the sixth line and inserting in lieu thereof “ninety metres”.
- (10) Paragraph 1 of section 377 of the said Act is amended <sup>s. 377, par. 1, amended</sup> by striking out “three miles” in the sixth line and inserting in lieu thereof “five kilometres”.
- (11) Clause *a* of paragraph 7 of section 383 of the said Act is <sup>s. 383, par. 7 (a), amended</sup> amended by striking out “300 yards” in the third and fourth lines and inserting in lieu thereof “275 metres”.
- (12) Clause *c* of subsection 1 of section 403 of the said Act is <sup>s. 403 (1) (c), amended</sup> amended by striking out “100 feet” in the first line and inserting in lieu thereof “thirty metres”.
- (13) Subsection 2 of section 403 of the said Act is <sup>s. 403 (2), amended</sup> amended by striking out “80 feet” in the third line and in the fourth line and inserting in lieu thereof in each instance “twenty-five metres”.
- (14) Section 409 of the said Act is <sup>s. 409, . amended</sup> amended by striking out “100 feet” in the second line and inserting in lieu thereof “thirty metres”.
- (15) Section 415 of the said Act is <sup>s. 415, amended</sup> amended,
- (a) in subsection 1, by striking out “300 feet” in the first line and inserting in lieu thereof “ninety metres”; and
- (b) in subsection 14, by striking out “300 feet” in the fifth line and inserting in lieu thereof “ninety metres”.
- (16) Subsection 2 of section 418 of the said Act is <sup>s. 418 (2), amended</sup> amended by striking out “twenty feet” in the fourth line and inserting in lieu thereof “six metres”.
- (17) Section 441 of the said Act is <sup>s. 441, amended</sup> amended,
- (a) in subsection 1, by striking out “mile” in the fourth line and inserting in lieu thereof “distance”;
- (b) in subsection 2, by striking out “mile” in the first line and in the fourth line and inserting in lieu thereof in each instance “distance”; and

- (c) in subsection 4, by striking out "mile" in the second line and inserting in lieu thereof "distance".

s. 442,  
amended

- (18) Section 442 of the said Act is amended by striking out "mile" in the fourth line and inserting in lieu thereof "distance".

s. 450 (2),  
amended

- (19) Subsection 2 of section 450 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 5, is further amended,

(a) by striking out "66 feet" in the first line and inserting in lieu thereof "twenty metres"; and

(b) by striking out "100 feet" in the second line and inserting in lieu thereof "thirty metres".

s. 460,  
par. 2,  
amended

- (20) Paragraph 2 of section 460 of the said Act is amended by striking out "\$5 per foot" in the eighth line and inserting in lieu thereof "\$25 per metre".

s. 613,  
amended

- (21) Section 613 of the said Act is amended,

(a) in subsection 1, by striking out "acreage" in the second line and inserting in lieu thereof "area";

(b) in subsection 2, by striking out "acreage" in the fourth line and inserting in lieu thereof "area"; and

(c) in subsection 3, by striking out "\$3 an acre" in the fifth line and inserting in lieu thereof "\$7.50 a hectare".

R.S.O. 1970,  
c. 289, s. 4 (1),  
amended

- 41.** Subsection 1 of section 4 of *The Municipal Franchises Act*, being chapter 289 of the Revised Statutes of Ontario, 1970, is amended by striking out "five miles" in the third line and inserting in lieu thereof "eight kilometres".

R.S.O. 1970,  
c. 295,  
s. 80 (1) (d),  
amended

- 42.—**(1) Clause *d* of subsection 1 of section 80 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out "100 feet" in the second line and inserting in lieu thereof "30.5 metres".

s. 82 (1),  
amended

- (2) Subsection 1 of section 82 of the said Act is amended,

(a) by striking out "25 miles" in the fifth line and inserting in lieu thereof "40 kilometres"; and

(b) by striking out "60 miles" in the sixth line and inserting in lieu thereof "100 kilometres".



Subsection 19. The references are to the width of a highway. Sixty-six feet are approximately 20.1 metres.

Subsection 20. The reference is to the maximum amount of a deposit that may be required.

The amendment increases the maximum amount of the deposit from approximately \$16.40 per metre to \$25 per metre.

Subsection 21. The first and second references are to land subject to tax. The third reference is to the maximum purchase price of land. Three dollars an acre is approximately \$7.41 a hectare.

SECTION 41. The reference is to distance from the boundary of a city. Five miles are approximately 8.04 kilometres.

SECTION 42.—Subsection 1. The reference is to distance from a signal-light traffic control system. One hundred feet are 30.48 metres.

Subsection 2. The references are to rates of speed of motor vehicles.



Subsection 3. The reference is to distance from any limit of a metropolitan road. 150 feet are approximately 45.7 metres.

Subsection 4. The reference is to a travel allowance that may be paid by The Metropolitan Toronto School Board to its members. The amendment removes the rate of 10 cents for each mile and provides that the rate for each kilometre is to be set by the School Board.

Subsection 5. The reference relates to the area of sub-systems used in school building construction.

SECTION 43.—Subsection 1. Clause *a* of subsection 1 of section 1 of the Act defines “acres in the area municipality”. Clause *d* of the subsection defines “density”. The second part of the amendment of clause *d* provides for accuracy to three places of decimals.

Subsection 2. Schedule 1 sets out the rates for grants made under paragraph 2 of section 3 of the Act. The Schedule is re-enacted in order that the column headed “density” will reflect the amendments in the definitions made by subsection 1 of this section of the Bill.

A density of 0.15 on an acreage basis is approximately 0.3706 on a hectareage basis.

Similarly,

0.30 is approximately 0.7413;

0.45 is approximately 1.112;

0.60 is approximately 1.482;

0.75 is approximately 1.853.

- (3) Subsection 1 of section 90 of the said Act is amended by <sup>s. 90 (1),</sup> striking out "150 feet" in the second line and inserting in <sup>amended</sup> lieu thereof "forty-five metres".
- (4) Clause *f* of subsection 1 of section 127 of the said Act is <sup>s. 127 (1) (f),</sup> amended by striking out "a mileage allowance not exceeding <sup>amended</sup> 10 cents for each mile" in the first and second lines and inserting in lieu thereof "an allowance in such amount as may be determined by the School Board for each kilometre".
- (5) Clause *a* of subsection 2 of section 128 of the said Act is <sup>s. 128 (2) (a),</sup> amended by striking out "feet" in the sixth line and insert- <sup>amended</sup> ing in lieu thereof "metres".

**43.**—(1) Subsection 1 of section 1 of *The Ontario Unconditional* <sup>1975, c. 7,</sup> *Grants Act, 1975*, being chapter 7, is amended, <sup>s. 1 (1),</sup> <sup>amended</sup>

(a) in clause *a*, by striking out "acres" in the first line and in the second line and inserting in lieu thereof in each instance "hectares"; and

(b) in clause *d*,

(i) by striking out "acres" in the third line and inserting in lieu thereof "hectares", and

(ii) by striking out "two" in the third line and inserting in lieu thereof "three".

(2) Schedule 1 to the said Act is repealed and the following <sup>Sched. 1,</sup> <sup>re-enacted</sup> substituted therefor:

#### SCHEDULE 1

DENSITY	AMOUNT PER CAPITA
0.375 and under	\$5.00
Over 0.375 to and including 0.75	4.00
Over 0.75 to and including 1.125	3.00
Over 1.125 to and including 1.5	2.00
Over 1.5 to and including 1.875	1.00
Over 1.875	Nil

1974, c. 110,  
s. 2 (1) (b),  
amended

**44.**—(1) Clause *b* of subsection 1 of section 2 of *The Provincial Parks Municipal Tax Assistance Act*, 1974, being chapter 110, is amended,

(a) by striking out “acres” in the first line and inserting in lieu thereof “hectares”; and

(b) by striking out “acre” in the first line and inserting in lieu thereof “hectare”.

s. 3 (1),  
amended

(2) Subsection 1 of section 3 of the said Act is amended,

(a) by striking out “acres” in the eighth line and inserting in lieu thereof “hectares”; and

(b) by striking out “acre” in the ninth line and inserting in lieu thereof “hectare”.

s. 4,  
amended

(3) Section 4 of the said Act is amended,

(a) by striking out subclause i of clause *a* and inserting in lieu thereof the following:

(i) \$12.35 per hectare for each of the first forty hectares of each such park and \$5 per hectare for each hectare in excess of forty hectares in each such park up to 4,000 hectares in each such park and \$1.25 per hectare for each hectare in excess of 4,000 hectares in each such park, or

. . . . .

and

(b) by striking out subclause i of clause *b* and inserting in lieu thereof the following:

(i) \$12.35 per hectare for each of the first forty hectares of such land and \$5 per hectare for each hectare in excess of forty hectares up to 4,000 hectares and \$1.25 per hectare for each hectare in excess of 4,000 hectares, or

. . . . .

R.S.O. 1970,  
c. 384, s. 15,  
amended

**45.** Section 15 of *The Public Parks Act*, being chapter 384 of the Revised Statutes of Ontario, 1970, is amended,

(a) by striking out “ten miles” in the third line and inserting in lieu thereof “sixteen kilometres”; and

SECTION 44.—Subsection 1. The reference is to the area of a provincial park.

Subsection 2. The reference is to the area of specified land owned by Her Majesty in right of Ontario.

Subsection 3. The section authorizes payments to municipalities.

The amendment is similar to subsection 1 of the amendments to *The Municipal Act*.

SECTION 45. The reference in clause *a* is to distance from a city, and the reference in clause *b* is to distance from a town.

Ten miles are approximately sixteen kilometres and five miles are approximately eight kilometres.

SECTION 46.—Subsection 1. The reference is to distance from a municipality. Three miles are approximately 4.8 kilometres.

Subsection 2. The reference is to distance from any highway, lane or other public communication.

Subsection 3. The references are to distance from main pipes or conduits for carrying or conveying any public utility underground. Six feet are approximately 1.8 metres.

SECTION 47.—Subsection 1. The reference in clause *a* is to distance between any gasoline pump and any limit of a regional road. The reference in clause *b* is to distance between any sign, notice or advertising device and any limit of a regional road.

150 feet are approximately 45.7 metres.

One-quarter mile is approximately 402 metres.

Subsection 2. The reference is to distance on either side of the limit of a regional road.

Subsection 3. The reference is to distance from any limit of a regional road.

Subsection 4. The reference is to distance from the detachment headquarters of a police force. Fifteen miles are approximately 24.14 kilometres.

SECTION 48. The amendments are similar to the amendments to *The Regional Municipality of Durham Act, 1973* contained in this Bill.

- (b) by striking out "five miles" in the fourth line and inserting in lieu thereof "eight kilometres".

**46.**—(1) Subsection 1 of section 9 of *The Public Utilities Act*, R.S.O. 1970, being chapter 390 of the Revised Statutes of Ontario, amended c. 390, s. 9 (1), 1970, is amended by striking out "three miles" in the third line and inserting in lieu thereof "five kilometres".

- (2) Subsection 1 of section 14 of the said Act is amended by striking out "300 feet" in the eighth line and inserting in lieu thereof "100 metres". s. 14 (1), amended

- (3) Section 56 of the said Act is amended, s. 56, amended

- (a) in subsection 1, by striking out "six feet" in the fourth line and inserting in lieu thereof "two metres";

- (b) in subsection 2, by striking out "six feet" in the fourth line and inserting in lieu thereof "two metres"; and

- (c) in subsection 5, by striking out "six feet" in the fourth line and inserting in lieu thereof "two metres".

**47.**—(1) Subsection 1 of section 41 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is amended, 1973, c. 78, s. 41 (1), amended

- (a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and

- (b) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

- (2) Subsection 4 of section 42 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres". s. 42 (4), amended

- (3) Subsection 1 of section 47 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres". s. 47 (1), amended

- (4) Clause *e* of subsection 3 of section 67 of the said Act is amended by striking out "fifteen miles" in the second line and inserting in lieu thereof "24.14 kilometres". s. 67 (3) (e), amended

**48.**—(1) Subsection 1 of section 40 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended, 1973, c. 96, s. 40 (1), amended



(a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and

(b) in clause *b*, by striking out "one quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

s. 41 (4),  
amended

(2) Subsection 4 of section 41 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres".

s. 46 (1),  
amended

(3) Subsection 1 of section 46 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres".

s. 75 (3), (e),  
amended

(4) Clause *e* of subsection 3 of section 75 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "fifteen miles" in the second line and inserting in lieu thereof "24.14 kilometres".

1973, c. 70,  
s. 40 (1),  
amended

**49.**—(1) Subsection 1 of section 40 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, is amended,

(a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and

(b) in clause *b*, by striking out "one quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

s. 41 (4),  
amended

(2) Subsection 4 of section 41 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres".

s. 46 (1),  
amended

(3) Subsection 1 of section 46 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres".

s. 73 (3) (e),  
amended

(4) Clause *e* of subsection 3 of section 73 of the said Act is amended by striking out "fifteen miles" in the second line and inserting in lieu thereof "24.14 kilometres".

1973, c. 74,  
s. 40 (1),  
amended

**50.**—(1) Subsection 1 of section 40 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is amended,



SECTION 49. The amendments are similar to the amendments to *The Regional Municipality of Durham Act, 1973* contained in this Bill.

SECTION 50. The amendments are similar to the amendments to *The Regional Municipality of Durham Act, 1973* contained in this Bill.

SECTION 51.—Subsection 1. The reference in clause *a* is to distance between any gasoline pump and any limit of a regional road. The reference in clause *b* is to distance between any sign, notice or advertising device and any limit of a regional road.

Subsection 2. The reference is to distance on either side of a regional road.

Subsection 3. The reference is to distance from any limit of a regional road.

Subsection 4. The reference is to distance from an area municipality. Five miles are approximately 8.046 kilometres.

SECTION 52.—Subsection 1. The reference in clause *a* is to distance between any gasoline pump and any limit of a regional road. The reference in clause *b* is to distance between any sign, notice or advertising device and any limit of a regional road.

- (a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and
  - (b) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".
- (2) Subsection 4 of section 41 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres". s. 41 (4),  
amended
  - (3) Subsection 1 of section 46 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres". s. 46 (1),  
amended
  - (4) Clause *e* of subsection 3 of section 73 of the said Act is amended by striking out "fifteen miles" in the second line and inserting in lieu thereof "24.14 kilometres". s. 73 (3) (e),  
amended

**51.**—(1) Subsection 1 of section 76 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970,  
c. 406, s. 76 (1),  
amended

- (a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and
  - (b) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".
- (2) Subsection 4 of section 77 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres". s. 77 (4),  
amended
  - (3) Subsection 1 of section 84 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres". s. 84 (1),  
amended
  - (4) Clause *e* of subsection 3 of section 112 of the said Act is amended by striking out "five miles" in the third line and inserting in lieu thereof "8.05 kilometres". s. 112 (3) (e),  
amended

**52.**—(1) Subsection 1 of section 55a of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 126, section 8, is amended, R.S.O. 1970,  
c. 407,  
s. 55a (1),  
amended

- (a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and
- (b) in clause *b*, by striking out "one-quarter mile" in the second line and inserting in lieu thereof "400 metres".

s. 55c (1),  
amended

- (2) Subsection 1 of section 55c of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 8, is amended,

- (a) by striking out "25 miles" in the sixth line and inserting in lieu thereof "40 kilometres"; and
- (b) by striking out "60 miles" in the seventh line and inserting in lieu thereof "100 kilometres".

s. 61 (1),  
amended

- (3) Subsection 1 of section 61 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres".

1973, c. 60,  
s. 40 (1),  
amended

- 53.—**(1) Subsection 1 of section 40 of *The Regional Municipality of Peel Act*, 1973, being chapter 60, is amended,

- (a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and
- (b) in clause *b*, by striking out "one quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

s. 41 (4),  
amended

- (2) Subsection 4 of section 41 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres".

s. 46 (1),  
amended

- (3) Subsection 1 of section 46 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres".

s. 73 (3) (e),  
amended

- (4) Clause *e* of subsection 3 of section 73 of the said Act is amended by striking out "fifteen miles" in the second line and inserting in lieu thereof "24.14 kilometres".

1972, c. 104,  
s. 48 (5) (e),  
amended

- 54.—**(1) Clause *e* of subsection 5 of section 48 of *The Regional Municipality of Sudbury Act*, 1972, being chapter 104, is amended by striking out "twenty miles" in the third line and inserting in lieu thereof "32.18 kilometres".

Subsection 2. The references are to rates of speed of motor vehicles.

Subsection 3. The reference is to distance from any limit of a regional road.

SECTION 53. The amendments are similar to the amendments to *The Regional Municipality of Durham Act, 1973* contained in this Bill.

SECTION 54.—Subsection 1. The reference is to distance from the detachment headquarters of a police force. Twenty miles are approximately 32.186 kilometres.

Subsection 2. The reference in clause *a* is to distance between any gasoline pump and any limit of a regional road. The reference in clause *b* is to distance between any sign, notice or advertising device and any limit of a regional road.

Subsection 3. The reference is to distance on either side of the limit of a regional road.

SECTION 55.—Subsection 1. The reference is to distance from the detachment headquarters of a police force. Twenty miles are approximately 32.186 kilometres.

Subsection 2. The reference in clause *a* is to distance between any gasoline pump and any limit of a regional road. The reference in clause *b* is to distance between any sign, notice or advertising device and any limit of a regional road.

Subsection 3. The reference is to distance on either side of the limit of a regional road.

Subsection 4. The reference is to distance beyond the limits of an area municipality. Three miles are approximately 4.8 kilometres.

SECTION 56.—Subsection 1. The reference in clause *a* is to distance between any gasoline pump and any limit of a regional road. The reference in clause *b* is to distance between any sign, notice or advertising device and any limit of a regional road.

(2) Subsection 1 of section 64 of the said Act is amended, s. 64 (1),  
amended

(a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and

(b) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

(3) Subsection 4 of section 65 of the said Act is amended by s. 65 (4),  
amended striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres".

**55.**—(1) Subsection 1 of section 79 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is amended, 1972, c. 105,  
s. 79 (1),  
amended

(a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and

(b) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

(2) Subsection 4 of section 80 of the said Act is amended by s. 80 (4),  
amended striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres".

(3) Subsection 1 of section 85 of the said Act is amended by s. 85 (1),  
amended striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres".

(4) Paragraph 1 of subsection 2 of section 159*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 164, section 4, is amended by striking out "three miles" in the ninth line and inserting in lieu thereof "five kilometres". s. 159*a* (2),  
par. 1,  
amended

**56.**—(1) Subsection 1 of section 76 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970,  
c. 408, s. 76 (1),  
amended

(a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and

(b) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".



s. 77 (4),  
amended

- (2) Subsection 4 of section 77 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres".

R.S.O. 1970,  
c. 445, s. 3 (2),  
amended

- 57.**—(1) Subsection 2 of section 3 of *The Statute Labour Act*, being chapter 445 of the Revised Statutes of Ontario, 1970, is amended by striking out "200 acres" in the third line and in the fifth line and inserting in lieu thereof in each instance "eighty-one hectares".

s. 24 (1),  
re-enacted

- (2) Subsection 1 of section 24 of the said Act is repealed and the following substituted therefor:

Amount of  
statute  
labour to  
be performed

- (1) Notwithstanding subsection 3, each owner, locatee, purchaser or tenant of land may be required to perform one day's labour for every twenty hectares and one day's labour for the remainder of the hectarage held by him, where the total hectarage held by him divided by twenty leaves a remainder, and for the first four hectares that he has cleared after the first four, he may be required to perform one day's additional labour, and for every eight hectares over and above the first four, one additional day's labour, and each householder who is not an owner, locatee, purchaser or tenant of the land may be required each year to perform one day's labour.

s. 24 (2),  
amended

- (3) Subsection 2 of section 24 of the said Act is amended by striking out "fifty acres" in the second line and inserting in lieu thereof "twenty hectares".

Form 3,  
amended

- (4) Form 3 of the said Act is amended,

(a) by striking out the sub-heading to column 6 and inserting in lieu thereof "No. of Hectares"; and

(b) by striking out the sub-heading to column 7 and inserting in lieu thereof "No. of Hectares Cleared".

Form 6,  
amended

- (5) Form 6 of the said Act is amended by striking out the column heading "Number of Acres" and inserting in lieu thereof "Number of Hectares".

## PART X

### PROVINCIAL SECRETARIAT FOR RESOURCES DEVELOPMENT

1973, c. 52  
s. 25 (1),  
amended

- 58.** Subsection 1 of section 25 of *The Niagara Escarpment Planning and Development Act*, 1973, being chapter 52, is amended by striking out "400 feet" in the seventh line and inserting in lieu thereof "120 metres".

Subsection 2. The reference is to distance on either side of the limit of a regional road.

SECTION 57.—Subsection 1. The reference is to the aggregate area of lots for which one person is assessed. 200 acres are approximately 80.93 hectares.

Subsections 2 and 3. Fifty acres are approximately 20.2 hectares. Ten acres are approximately 4.04 hectares.

Subsections 4 and 5. The references are to the area of properties.

SECTION 58. The reference is to distance from land that is the subject of an application, for the purpose of giving notice of the application. Four hundred feet are approximately 121 metres.



- 59.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment
- 60.** The short title of this Act is *The Metric Conversion Statute Law Amendment Act, 1978*. Short title





The Metric Conversion Statute Law  
Amendment Act, 1978

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*1st Reading*

June 22nd, 1978

*2nd Reading*

*3rd Reading*

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THE HON. J. R. RHODES  
Minister of Industry and Tourism

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*(Government Bill)*



x13  
R 56

**BILL 137**

Government  
Publications

2ND SESSION, 31ST LEGISLATURE OF ONTARIO  
27 ELIZABETH II, 1978

**The Metric Conversion Statute Law  
Amendment Act, 1978**

THE HON. L. GROSSMAN  
Minister of Industry and Tourism



TORONTO

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## The Metric Conversion Statute Law Amendment Act, 1978

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### PART I

#### MINISTRY OF AGRICULTURE AND FOOD

- 1.—(1) Clause *f* of subsection 1 of section 1 of *The Abandoned Orchards Act*, being chapter 1 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970,  
c. 1  
s. 1 (1) (*f*),  
amended

(a) by striking out “one-half acre” in the first line and inserting in lieu thereof “one-fifth hectare”; and

(b) by striking out “twenty-six fruit trees per acre” in the fourth line and inserting in lieu thereof “sixty-five fruit trees per hectare”.

- (2) Subsection 2 of section 1 of the said Act is amended by s. 1 (2),  
amended striking out “300 yards” in the second line and inserting in lieu thereof “275 metres”.

- 2.—(1) Subsection 2 of section 3 of *The Agricultural Societies Act*, being chapter 15 of the Revised Statutes of Ontario, 1970, is amended by striking out “twenty-five miles” in the second line and inserting in lieu thereof “forty kilometres”. R.S.O. 1970,  
c. 15  
s. 3 (2),  
amended

- (2) Paragraph 1 of section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 46, section 2, is amended by striking out “twenty-five miles” in the fifth line and inserting in lieu thereof “forty kilometres”. s. 4, par. 1,  
amended

s. 19 (2),  
amended

- (3) Subsection 2 of section 19 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 46, section 7, is amended by striking out "three hundred yards" in the sixth line and inserting in lieu thereof "275 metres".

R.S.O. 1970,  
c. 42  
s. 5 (1) (b),  
amended

3. Clause *b* of subsection 1 of section 5 of *The Beef Cattle Marketing Act*, being chapter 42 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 43, section 1, is amended,

(a) in subclause i, by striking out "500 pounds" in the second line and inserting in lieu thereof "225 kilograms"; and

(b) in subclause ii, by striking out "500 pounds" in the second line and inserting in lieu thereof "225 kilograms".

R.S.O. 1970,  
c. 43  
s. 19 (1),  
amended

- 4.—(1) Subsection 1 of section 19 of *The Bees Act*, being chapter 43 of the Revised Statutes of Ontario, 1970, is amended by striking out "thirty feet" in the third line and inserting in lieu thereof "nine metres".

s. 19 (2),  
amended

- (2) Subsection 2 of section 19 of the said Act is amended,

(a) by striking out "seven feet" in the third line and inserting in lieu thereof "two metres"; and

(b) by striking out "fifteen feet" in the fourth line and inserting in lieu thereof "4.5 metres".

s. 19 (3),  
amended

- (3) Subsection 3 of section 19 of the said Act is amended by striking out "100 feet" in the third line and inserting in lieu thereof "thirty metres".

R.S.O. 1970,  
c. 133  
s. 13 (2) (b),  
amended

5. Clause *b* of subsection 2 of section 13 of *The Dog Licensing and Live Stock and Poultry Protection Act*, being chapter 133 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1974, chapter 94, section 3, is further amended by striking out "fifty pounds" in the second line and inserting in lieu thereof "twenty-five kilograms".

1975, c. 79  
s. 1, par. 3,  
amended

- 6.—(1) Paragraph 3 of section 1 of *The Drainage Act, 1975*, being chapter 79, is amended,

(a) in subparagraph i, by striking out "600 feet" in the third line and inserting in lieu thereof "200 metres";

(b) in subparagraph ii, by striking out "300 feet" in the third line and inserting in lieu thereof "100 metres"; and

(c) in subparagraph iii, by striking out "600 feet" in the first line and inserting in lieu thereof "200 metres".

(2) Subsection 5 of section 3 of the said Act is amended by striking out "2,500 feet" in the first line and in the second line and inserting in lieu thereof in each instance "750 metres". s. 3 (5),  
amended

(3) Section 36 of the said Act is amended by striking out "acres" in the fourth line and inserting in lieu thereof "hectares". s. 36,  
amended

7.—(1) Clause *d* of subsection 1 of section 21 of *The Farm Products Marketing Act*, being chapter 162 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970,  
c. 162  
s. 21 (1) (d),  
amended

(a) by striking out "acreage" in the first line and inserting in lieu thereof "hectarage"; and

(b) by striking out "acres" in the first line and inserting in lieu thereof "hectares".

(2) Clause *e* of subsection 1 of section 21 of the said Act is amended by striking out "acreage" in the tenth line and inserting in lieu thereof "hectarage". s. 21 (1) (e),  
amended

(3) Clause *b* of subsection 2 of section 21 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 156, section 2, is amended by striking out "acreage" wherever it occurs and inserting in lieu thereof in each instance "hectarage". s. 21 (2) (b),  
amended

(4) Clause *c* of subsection 2 of section 21 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 156, section 2, is amended, s. 21 (2) (c),  
amended

(a) by striking out "acreages" in the second line and inserting in lieu thereof "hectarages"; and

(b) by striking out "acreage" in the sixth line and in the ninth line and inserting in lieu thereof in each instance "hectarage".

8. Clause *f* of section 5 of *The Live Stock Community Sales Act*, being chapter 253 of the Revised Statutes of Ontario, 1970, is amended by striking out "3,000 pounds" in the first and second lines and inserting in lieu thereof "1,361 kilograms". R.S.O. 1970,  
c. 253  
s. 5,  
amended

R.S.O. 1970,  
c. 493  
s. 14,  
amended

9. Section 14 of *The Weed Control Act*, being chapter 493 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 39, section 5 and 1973, chapter 89, section 2, is further amended by striking out "ten acres" in the seventh line and inserting in lieu thereof "four hectares".

1974, c. 56  
s. 5 (1) (a),  
amended

10. Clause *a* of subsection 1 of section 5 of *The Wool Marketing Act, 1974*, being chapter 56, is amended by striking out "5 cents per pound" in the second line and inserting in lieu thereof "11 cents per kilogram".

## PART II

### MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS

R.S.O. 1970,  
c. 49  
s. 4 (1),  
amended

- 11.—(1) Subsection 1 of section 4 of *The Bread Sales Act*, being chapter 49 of the Revised Statutes of Ontario, 1970, is amended by striking out "16, 24 or 48 ounces avoirdupois" in the third line and inserting in lieu thereof "450, 570, 675 or 900 grams".

s. 4 (2),  
amended

- (2) Subsection 2 of the said section 4 is amended by striking out "12 ounces avoirdupois" in the second line and inserting in lieu thereof "340 grams".

1974, c. 74  
s. 1 (b),  
amended

12. Clause *b* of section 1 of *The Building Code Act, 1974*, being chapter 74, is amended by striking out "100 square feet" in the second line and inserting in lieu thereof "ten square metres".

R.S.O. 1970,  
c. 189  
s. 1 (1) (f),  
amended

- 13.—(1) Clause *f* of subsection 1 of section 1 of *The Gasoline Handling Act*, being chapter 189 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 115, section 1, is amended by striking out "100°F." in the second line and inserting in lieu thereof "40°C.".

s. 3,  
amended

- (2) Section 3 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 115, section 3, is further amended by striking out "100°F." in the amendment of 1973 and inserting in lieu thereof "40°C.".

R.S.O. 1970,  
c. 459  
s. 25,  
amended

14. Section 25 of *The Theatres Act*, being chapter 459 of the Revised Statutes of Ontario, 1970, is amended by striking out "200 feet" in the second line and inserting in lieu thereof "sixty metres".



## PART III

## MINISTRY OF EDUCATION

- 15.**—(1) Clause *c* of subsection 2 of section 20 of *The Education Act*, 1974 c. 109, s. 20 (2) (i), amended, being chapter 109, is amended,

(a) in subclause i, by striking out “one mile” in the first line and inserting in lieu thereof “1.6 kilometres”;

(b) in subclause ii, by striking out “two miles” in the first line and inserting in lieu thereof “3.2 kilometres”; and

(c) in subclause iii, by striking out “three miles” in the first line and inserting in lieu thereof “4.8 kilometres”.

- (2) Section 36 of the said Act is amended, s. 36,  
amended

(a) in clause *a*, by striking out “two miles” in the first line and inserting in lieu thereof “3.2 kilometres”; and

(b) in clause *b*, by striking out “one-half mile” in the first line and inserting in lieu thereof “0.8 kilometres”.

- (3) Subsection 7 of section 80 of the said Act is amended by striking out “three miles” in the second line and inserting in lieu thereof “4.8 kilometres”. s. 80 (7),  
amended

- (4) Subsection 8 of section 80 of the said Act is amended by striking out “three miles” in the eighth line and inserting in lieu thereof “4.8 kilometres”. s. 80 (8),  
amended

- (5) Subsection 1 of section 83 of the said Act is amended by striking out “six-mile” in the third line and inserting in lieu thereof “9.6 kilometre”. s. 83 (1),  
amended

- (6) Subsection 1 of section 104 of the said Act is amended by striking out “six-mile” in the third line and inserting in lieu thereof “9.6 kilometre”. s. 104 (1),  
amended

- (7) Subsection 7 of section 163 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 50, section 25, is further amended by striking out “fifteen miles” in the third line and inserting in lieu thereof “twenty-four kilometres”. s. 163 (7),  
amended



- s. 163 (8),  
amended
- (8) Subsection 8 of section 163 of the said Act is amended by striking out "fifteen miles" in the third line and inserting in lieu thereof "twenty-four kilometres".
- s. 163 (9),  
amended
- (9) Subsection 9 of section 163 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 50, section 25, is amended,
- (a) in clause *a*, by striking out "fifteen miles" and inserting in lieu thereof "twenty-four kilometres"; and
- (b) in clause *b*, by striking out "thirty miles" and inserting in lieu thereof "forty-eight kilometres".
- s. 163 (10),  
amended
- (10) Subsection 10 of section 163 of the said Act is amended by striking out "fifteen miles" in the third line and inserting in lieu thereof "twenty-four kilometres".
- s. 164 (3) (b),  
amended
- (11) Clause *b* of subsection 3 of section 164 of the said Act is amended by striking out "a mileage allowance at a rate" in the first line and inserting in lieu thereof "an allowance at a rate per kilometre".
- s. 182 (3),  
amended
- (12) Subsection 3 of section 182 of the said Act is amended by striking out "15 cents for each mile" in the first and second lines and inserting in lieu thereof "10 cents for each kilometre".
- s. 220 (3),  
amended
- (13) Subsection 3 of section 220 of the said Act is amended by striking out "three miles" where it occurs in the fifth line, the twelfth line and the twenty-third line and inserting in lieu thereof in each instance "4.8 kilometres".
- s. 221 (2),  
amended
- (14) Subsection 2 of section 221 of the said Act is amended by striking out "three miles" in the seventh line and inserting in lieu thereof "4.8 kilometres".

## PART IV

### MINISTRY OF ENERGY

R.S.O. 1970,  
c. 354  
s. 47 (3),  
amended

- 16.** Subsection 3 of section 47 of *The Power Corporation Act*, being chapter 354 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 73 and 1973, chapter 57, section 2, is further amended by striking out "\$8 for each square foot" in the eighth line and inserting in lieu thereof "\$86.11 for each square metre".

## PART V

## MINISTRY OF THE ENVIRONMENT

- 17.** Subsection 2 of section 61*b* of *The Environmental Protection Act, 1971*, being chapter 86, as enacted by the Statutes of Ontario, 1973, chapter 94, section 6, is amended, 1971, c. 86, s. 61*b* (2), amended

(a) in clause *a*, by striking out "ten acres" in the third line and inserting in lieu thereof "four hectares"; and

(b) in clause *b*, by striking out "ten acres" in the third line and inserting in lieu thereof "four hectares".

- 18.**—(1) Subsection 3 of section 37 of *The Ontario Water Resources Act*, being chapter 332 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1974, chapter 19, section 2, is further amended by striking out "10,000 gallons" in the third line and inserting in lieu thereof "50,000 litres". R.S.O. 1970, c. 332, s. 37 (3), amended

(2) Clause *b* of subsection 9 of section 41 of the said Act is amended by striking out "10,000 gallons" in the second line and inserting in lieu thereof "50,000 litres". s. 41 (9) (b), amended

## PART VI

## MINISTRY OF HEALTH

- 19.** Subsection 3 of section 2 of *The Private Sanitaria Act*, being chapter 363 of the Revised Statutes of Ontario, 1970, is amended by striking out "one-eighth of an inch to a foot" in the second line and inserting in lieu thereof "three millimetres to thirty centimetres". R.S.O. 1970, c. 363, s. 2 (3), amended

- 20.**—(1) Subsection 2 of section 94 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, is amended by striking out "a mile" in the third line and inserting in lieu thereof "1.6 kilometres". R.S.O. 1970, c. 377, s. 94 (2), amended

(2) Subsection 2 of section 101 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 61, section 13, is further amended by striking out "600 cubic feet" in the third and fourth lines and inserting in lieu thereof "seventeen cubic metres". s. 101 (2), amended

(3) Section 132 of the said Act is amended by striking out "one-mile" in the third line and inserting in lieu thereof "1.6 kilometres". s. 132, amended

Sched. B,  
amended

(4) Schedule B to the said Act is amended,

- (a) in paragraph 8, by striking out "200 yards" in the third line and inserting in lieu thereof "180 metres" and by striking out "50 yards" in the fourth line and inserting in lieu thereof "forty-five metres";
- (b) in paragraph 22, by striking out "100 feet" in the third line and inserting in lieu thereof "thirty metres";
- (c) in paragraph 24, by striking out "six inches" in the fourth line and inserting in lieu thereof "fifteen centimetres"; and
- (d) in paragraph 27, by striking out "twelve inches wide and nine inches" in the fifth line and inserting in lieu thereof "thirty centimetres wide and twenty-two centimetres".

## PART VII

### MINISTRY OF HOUSING

R.S.O. 1970,  
c. 349,  
s. 33 (2) (b),  
amended

**21.**—(1) Clause *b* of subsection 2 of section 33 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, is amended by striking out "inch to 1,000 feet" in the first and second lines and inserting in lieu thereof "centimetre to 100 metres".

s. 35b (3),  
amended

(2) Subsection 3 of section 35b of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 168, section 10, is amended by striking out "acre for each 120" in the fourth line and inserting in lieu thereof "hectare for each 300".

s. 45a,  
enacted

(3) The said Act is amended by adding thereto the following section:

Application  
of s. 35 (10)

**45a.**—(1) Subsection 10 of section 35 does not apply to a by-law that amends a by-law only to express a word, term or measurement in the by-law in a unit of measurement set out in Schedule I of the *Weights and Measures Act* (Canada) in accordance with the definitions set out in Schedule II of that Act and that,

R.S.C. 1970,  
c. W-8

- (a) does not round any measurement so expressed further than to the next higher or lower multiple of 0.5 metres or 0.5 square metres, as the case may be; or

- (b) does not vary by more than 5 per cent any measurement so expressed.

(2) Any land, building or structure that otherwise conforms with a by-law passed under section 35 or an order made by the Minister under section 32 does not cease to conform with the by-law or order by reason only of an amendment to the by-law or order that conforms with subsection 1.

Effect of amendment that conforms with subsection 1

## PART VIII

### MINISTRY OF NATURAL RESOURCES

- 22.**—(1) Subsection 1 of section 14 of *The Beach Protection Act*, R.S.O. 1970, being chapter 40 of the Revised Statutes of Ontario, c. 40, s. 14 (1), 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 11, is amended by striking out “yard” in the fourth line and inserting in lieu thereof “cubic metre”.
- (2) Subsection 2 of section 14 of the said Act is amended by striking out “yard” in the first line and inserting in lieu thereof “cubic metre”.
- s. 14 (2), amended
- 23.** Section 3 of *The Canada Company's Lands Act*, 1922, being chapter 24, as amended by the Statutes of Ontario, 1953, chapter 11, section 1, is further amended by striking out “\$1 per acre” in the second line and in the amendment of 1953 and inserting in lieu thereof “\$2.50 per hectare”.
- 1922, c. 24, s. 3, amended
- 24.** Subsection 4 of section 13 of *The Conservation Authorities Act*, R.S.O. 1970, being chapter 78 of the Revised Statutes of Ontario, 1970, is amended,
- R.S.O. 1970, c. 78, s. 13 (4), amended
- (a) by striking out “number of acres in” in the sixth line and inserting in lieu thereof “area of”; and
- (b) by striking out “acreage” in the seventh line and inserting in lieu thereof “area”.
- 25.**—(1) Subsection 2 of section 11 of *The Forest Fires Prevention Act*, being chapter 179 of the Revised Statutes of Ontario, 1970, is amended by striking out “1,000 feet” in the second line and inserting in lieu thereof “300 metres”.
- R.S.O. 1970, c. 179, s. 11 (2), amended
- (2) Subsection 1 of section 15 of the said Act is amended by striking out “1,000 feet” in the second line and inserting in lieu thereof “300 metres”.
- s. 15 (1), amended

s. 17,  
amended

(3) Section 17 of the said Act is amended,

(a) by striking out "1,000 feet" in the third line and inserting in lieu thereof "300 metres"; and

(b) by striking out "100 feet" in the fifth line and inserting in lieu thereof "thirty metres".

s. 26,  
amended

(4) Section 26 of the said Act is amended by striking out "one-half mile" in the first line and inserting in lieu thereof "800 metres".

s. 28,  
amended

(5) Section 28 of the said Act is amended by striking out "1,000 feet" in the first line and inserting in lieu thereof "300 metres".

s. 29,  
amended

(6) Section 29 of the said Act is amended by striking out "1,000 feet" in the second line and inserting in lieu thereof "300 metres".

s. 32,  
amended

(7) Section 32 of the said Act is amended by striking out "1,000 feet" in the first line and inserting in lieu thereof "300 metres".

R.S.O. 1970,  
c. 233,  
s. 33 (1),  
amended

**26.** Subsection 1 of section 33 of *The Lakes and Rivers Improvement Act*, being chapter 233 of the Revised Statutes of Ontario, 1970, is amended by striking out "eighteen feet" in the sixth line and inserting in lieu thereof "5.5 metres".

R.S.O. 1970,  
c. 298,  
s. 11 (1),  
amended

**27.—**(1) Subsection 1 of section 11 of *The Niagara Parks Act*, being chapter 298 of the Revised Statutes of Ontario, 1970, is amended by striking out "three miles" in the second and third lines and inserting in lieu thereof "five kilometres".

s. 20 (1) (f),  
amended

(2) Clause *f* of subsection 1 of section 20 of the said Act is amended by striking out "one-quarter mile" in the fourth line and inserting in lieu thereof "400 metres".

1971, c. 94,  
s. 11,  
amended

**28.** Section 11 of *The Petroleum Resources Act, 1971*, being chapter 94, is amended,

(a) in subsection 3, by striking out "one mile" in the fourth line and inserting in lieu thereof "1.6 kilometres"; and

(b) in subsection 4, by striking out "one mile" in the fourth line and inserting in lieu thereof "1.6 kilometres".



- 29.**—(1) Section 4 of *The Pits and Quarries Control Act, 1971*, 1971 c. 96,  
being chapter 96, is amended, s. 4,  
amended

(a) in subsection 2,

(i) by striking out “acreage” in the fifth line and inserting in lieu thereof “hectarage”, and

(ii) by striking out “500 feet” in the ninth line and inserting in lieu thereof “150 metres”; and

(b) in subsection 3, by striking out “10,000 cubic yards” in the second line and inserting in lieu thereof “15,000 tonnes”.

- (2) Subsection 1 of section 10 of the said Act is amended by striking out “300 feet” in the fourth line and inserting in lieu thereof “ninety metres”. s. 10 (1),  
amended

- 30.**—(1) Subsection 1 of section 14 of *The Public Lands Act*, being chapter 380 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970,  
c. 380,  
s. 14 (1),  
amended

(a) by striking out “ten acres” in the tenth line and inserting in lieu thereof “four hectares”; and

(b) by striking out “100 acres” in the twelfth line and inserting in lieu thereof “forty hectares”.

- (2) Section 19 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 29, section 4, is further amended, s. 19,  
amended

(a) by striking out “ten acres” in the sixth line and inserting in lieu thereof “five hectares”;

(b) by striking out “\$10 an acre” in the sixth and seventh lines and inserting in lieu thereof “\$24.70 a hectare”; and

(c) by striking out “\$5 an acre” in the seventh line and inserting in lieu thereof “\$12.35 a hectare”.

- (3) Subsection 3 of section 54 of the said Act is amended by striking out “500 feet” in the sixth line and inserting in lieu thereof “150 metres”. s. 54 (3),  
amended

- (4) Section 58 of the said Act is amended, s. 58,  
amended

(a) in clause *b*, by striking out "five miles" in the second and third lines and inserting in lieu thereof "eight kilometres"; and

(b) in clause *c*, by striking out "fifteen acres" in the third line and inserting in lieu thereof "seven hectares".

s. 60 (5),  
amended

(5) Subsection 5 of section 60 of the said Act is amended by striking out "200 acres" in the fifth line and inserting in lieu thereof in each instance "eighty hectares".

s. 72,  
amended

(6) Section 72 of the said Act is amended,

(a) in subsection 2, by striking out "acreage" in the seventh line and inserting in lieu thereof "area";

(b) in subsection 4, by striking out "acreage" in the second line and in the fourth line and inserting in lieu thereof in each instance "area";

(c) in subsection 6, by striking out "acreage" in the third line and inserting in lieu thereof "area"; and

(d) in subsection 7, by striking out "acreage" in the eighth line and inserting in lieu thereof "area".

1966, c. 146,  
s. 11,  
amended

**31.**—(1) Section 11 of *The St. Clair Parkway Commission Act, 1966*, being chapter 146, is amended by striking out "three miles" in the second and third lines and inserting in lieu thereof "five kilometres".

s. 19 (1) (*f*),  
amended

(2) Clause *f* of subsection 1 of section 19 of the said Act is amended by striking out "one-quarter mile" in the fourth line and inserting in lieu thereof "400 metres".

R.S.O. 1970,  
c. 453,  
s. 31 (2),  
par. 3,  
amended

**32.**—(1) Paragraph 3 of subsection 2 of section 31 of *The Surveys Act*, being chapter 453 of the Revised Statutes of Ontario, 1970, is amended by striking out "twenty chains" in the fourteenth line and inserting in lieu thereof "400 metres".

s. 37 (2),  
par. 3,  
amended

(2) Paragraph 3 of subsection 2 of section 37 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 30, section 5, is further amended by striking out "twenty chains" in the thirteenth line and inserting in lieu thereof "400 metres".

R.S.O. 1970,  
c. 498, s. 3,  
amended

**33.** Section 3 of *The Wilderness Areas Act*, being chapter 498 of the Revised Statutes of Ontario, 1970, is amended by striking



out "640 acres" in the third line and inserting in lieu thereof "260 hectares".

- 34.**—(1) Clause *h* of section 1 of *The Woodlands Improvement Act*, R.S.O. 1970, c. 502, s. 1 (h), re-enacted, being chapter 502 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(*h*) "woodlands" means lands having at least 1,000 trees per hectare of all sizes or at least 750 trees per hectare measuring over five centimetres in diameter or at least 500 trees per hectare measuring over twelve centimetres in diameter or at least 250 trees per hectare measuring over twenty centimetres in diameter (all such measurements to be taken at least 1.3 metres from the ground), but does not include a plantation established for the purpose of producing Christmas trees.

- (2) Clause *b* of subsection 1 of section 5 of the said Act s. 5 (1) (b), amended is amended by striking out "acre" in the first line and inserting in lieu thereof "hectare".

## PART IX

### MINISTRY OF TREASURY, ECONOMICS AND INTERGOVERNMENTAL AFFAIRS

- 35.**—(1) Subsection 1 of section 40 of *The County of Oxford Act*, 1974, c. 57, s. 40 (1), amended, being chapter 57, is amended,

(*a*) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and

(*b*) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

- (2) Subsection 4 of section 41 of the said Act is amended by s. 41 (4), amended striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres".

- (3) Subsection 1 of section 46 of the said Act is amended by s. 46 (1), amended striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres".

- 36.**—(1) Subsection 1 of section 55 of *The District Municipality of Muskoka Act*, R.S.O. 1970, c. 131, s. 55 (1), amended, being chapter 131 of the Revised Statutes of Ontario, 1970, is amended,

(a) in clause *a*, by striking out “150 feet” in the first line and inserting in lieu thereof “forty-five metres”; and

(b) in clause *b*, by striking out “one-quarter mile” in the first and second lines and inserting in lieu thereof “400 metres”.

s. 56 (4),  
amended

(2) Subsection 4 of section 56 of the said Act is amended by striking out “100 feet” in the fourth line and inserting in lieu thereof “thirty metres”.

s. 61 (1),  
amended

(3) Subsection 1 of section 61 of the said Act is amended by striking out “150 feet” in the second line and inserting in lieu thereof “forty-five metres”.

R.S.O. 1970,  
c. 198, s. 14 (4),  
amended

**37.** Subsection 4 of section 14 of *The Haliburton Act*, being chapter 198 of the Revised Statutes of Ontario, 1970, is amended by striking out “fifteen miles” in the second line and inserting in lieu thereof “twenty-five kilometres”.

R.S.O. 1970,  
c. 248,  
Form 3,  
amended

**38.** Form 3 of *The Line Fences Act*, being chapter 248 of the Revised Statutes of Ontario, 1970, is amended by striking out “rod” in the thirteenth line and inserting in lieu thereof “metre”.

R.S.O. 1970,  
c. 255,  
s. 2 (1) (*l*),  
amended

**39.—**(1) Clause *l* of subsection 1 of section 2 of *The Local Improvement Act*, being chapter 255 of the Revised Statutes of Ontario, 1970, is amended by striking out “two acres” in the second line and inserting in lieu thereof “one hectare”.

s. 3 (1),  
amended

(2) Subsection 1 of section 3 of the said Act is amended by striking out “foot” in the sixteenth line and inserting in lieu thereof “metre”.

s. 4 (1),  
amended

(3) Subsection 1 of section 4 of the said Act is amended by striking out “foot” in the eleventh line and inserting in lieu thereof “metre”.

s. 20,  
amended

(4) Section 20 of the said Act is amended,

(a) in subsection 1, by striking out “foot” in the fifth line and inserting in lieu thereof “metre”; and

(b) in subsection 4, by striking out “feet” in the sixth line and inserting in lieu thereof “metres”.

s. 23 (*a*),  
amended

(5) Clause *a* of section 23 of the said Act is amended by striking out “four feet” in the second line and inserting in lieu thereof “0.38 square metres”.

- (6) Subsection 1 of section 24 of the said Act is amended by striking out "foot" in the fourth line and inserting in lieu thereof "metre". s. 24 (1), amended
- (7) Section 37 of the said Act is amended by striking out "foot" in the fifth line and inserting in lieu thereof "metre". s. 37, amended
- (8) Section 38 of the said Act is amended by striking out "foot" in the tenth line and inserting in lieu thereof "metre". s. 38, amended
- (9) Subsection 1 of section 40 of the said Act is amended by striking out "foot" in the third line and inserting in lieu thereof "metre". s. 40 (1), amended
- (10) Section 41 of the said Act is amended, s. 41, amended
- (a) in clause *a*, by striking out "feet" in the third line and inserting in lieu thereof "metres";
  - (b) in clause *b*, by striking out "feet" in the second line and inserting in lieu thereof "metres"; and
  - (c) in clause *c*, by striking out "foot" and inserting in lieu thereof "metre".
- (11) Subclause vi of clause *a* of subsection 1 of section 48 of the said Act is amended by striking out "foot" in the first line and inserting in lieu thereof "metre". s. 48 (1) (a) (vi), amended
- (12) Clause *b* of subsection 4 of section 53 of the said Act is amended by striking out "foot" in the fourth line and inserting in lieu thereof "metre". s. 53 (4) (b), amended
- (13) Form 1 of the said Act is amended by striking out "foot" in the eleventh line and in the twenty-fifth line and inserting in lieu thereof in each instance "metre". Form 1, amended

**40.**—(1) Clause *a* of subsection 3*d* of section 304 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1975, chapter 8, section 2, is repealed and the following substituted therefor: R.S.O. 1970, c. 284, s. 304 (3*d*) (a), re-enacted

- (a) \$12.35 per hectare for each of the first forty hectares occupied by each such research station and \$5 per hectare for each hectare in excess of forty hectares occupied by each such research station up to 4,000 hectares and \$1.25 per hectare in excess of 4,000 hectares occupied by each such station; or

s. 340 (4),  
amended

- (2) Subsection 4 of section 340 of the said Act is amended by striking out "twenty feet" in the second line and inserting in lieu thereof "six metres".

s. 340 (5),  
amended

- (3) Subsection 5 of section 340 of the said Act is amended by striking out "twenty feet" in the fifth line and inserting in lieu thereof "six metres".

s. 354 (1),  
amended

- (4) Subsection 1 of section 354 of the said Act is amended,

(a) in paragraph 17, by striking out "twenty-five pounds" in the third line and inserting in lieu thereof "eleven kilograms";

(b) in paragraph 108, by striking out "15 miles" in the second line and inserting in lieu thereof "20 kilometres"; and

(c) in paragraph 109, by striking out "14 feet" in the second line and inserting in lieu thereof "4.25 metres".

s. 359 (6),  
par. 5,  
amended

- (5) Paragraph 5 of subsection 6 of section 359 of the said Act is amended by striking out "3,000 square feet" in the second and third lines and inserting in lieu thereof "300 square metres".

s. 362 (7),  
amended

- (6) Subsection 7 of section 362 of the said Act is amended,

(a) in clause *a*, by striking out "foot" in the first line and inserting in lieu thereof "metre";

(b) in clause *b*, by striking out "foot" in the first line and inserting in lieu thereof "metre"; and

(c) in clause *c*, by striking out "An acreage" in the first line and inserting in lieu thereof "A hectarage".

s. 362 (14) (b),  
amended

- (7) Clause *b* of subsection 14 of section 362 of the said Act is amended,

(a) by striking out "foot" in the second line and inserting in lieu thereof "metre"; and

(b) by striking out "100 feet" in the eleventh line and inserting in lieu thereof "thirty metres".

s. 364,  
amended

- (8) Section 364 of the said Act is amended,

(a) in paragraph 6, by striking out "three miles" in the sixth line and inserting in lieu thereof "five kilometres"; and

- (b) in paragraph 13, by striking out “128 cubic feet” in the seventh line and inserting in lieu thereof “3.62 cubic metres”.
- (9) Subsection 8 of section 365 of the said Act is amended by striking out “100 yards” in the sixth line and inserting in lieu thereof “ninety metres”. s. 365 (8), amended
- (10) Paragraph 1 of section 377 of the said Act is amended by striking out “three miles” in the sixth line and inserting in lieu thereof “five kilometres”. s. 377, par. 1, amended
- (11) Clause *a* of paragraph 7 of section 383 of the said Act is amended by striking out “300 yards” in the third and fourth lines and inserting in lieu thereof “275 metres”. s. 383, par. 7 (a), amended
- (12) Clause *c* of subsection 1 of section 403 of the said Act is amended by striking out “100 feet” in the first line and inserting in lieu thereof “thirty metres”. s. 403 (1) (c), amended
- (13) Subsection 2 of section 403 of the said Act is amended by striking out “80 feet” in the third line and in the fourth line and inserting in lieu thereof in each instance “twenty-five metres”. s. 403 (2), amended
- (14) Section 409 of the said Act is amended by striking out “100 feet” in the second line and inserting in lieu thereof “thirty metres”. s. 409, amended
- (15) Section 415 of the said Act is amended, s. 415, amended
- (a) in subsection 1, by striking out “300 feet” in the first line and inserting in lieu thereof “ninety metres”; and
- (b) in subsection 14, by striking out “300 feet” in the fifth line and inserting in lieu thereof “ninety metres”.
- (16) Subsection 2 of section 418 of the said Act is amended by striking out “twenty feet” in the fourth line and inserting in lieu thereof “six metres”. s. 418 (2), amended
- (17) Section 441 of the said Act is amended, s. 441, amended
- (a) in subsection 1, by striking out “mile” in the fourth line and inserting in lieu thereof “distance”;
- (b) in subsection 2, by striking out “mile” in the first line and in the fourth line and inserting in lieu thereof in each instance “distance”; and



- (c) in subsection 4, by striking out "mile" in the second line and inserting in lieu thereof "distance".

s. 442,  
amended

- (18) Section 442 of the said Act is amended by striking out "mile" in the fourth line and inserting in lieu thereof "distance".

s. 450 (2),  
amended

- (19) Subsection 2 of section 450 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 5, is further amended,

(a) by striking out "66 feet" in the first line and inserting in lieu thereof "twenty metres"; and

(b) by striking out "100 feet" in the second line and inserting in lieu thereof "thirty metres".

s. 460,  
par. 2,  
amended

- (20) Paragraph 2 of section 460 of the said Act is amended by striking out "\$5 per foot" in the eighth line and inserting in lieu thereof "\$25 per metre".

s. 613,  
amended

- (21) Section 613 of the said Act is amended,

(a) in subsection 1, by striking out "acreage" in the second line and inserting in lieu thereof "area";

(b) in subsection 2, by striking out "acreage" in the fourth line and inserting in lieu thereof "area"; and

(c) in subsection 3, by striking out "\$3 an acre" in the fifth line and inserting in lieu thereof "\$7.50 a hectare".

R.S.O. 1970,  
c. 289, s. 4 (1),  
amended

- 41.** Subsection 1 of section 4 of *The Municipal Franchises Act*, being chapter 289 of the Revised Statutes of Ontario, 1970, is amended by striking out "five miles" in the third line and inserting in lieu thereof "eight kilometres".

R.S.O. 1970,  
c. 295,  
s. 80 (1) (d),  
amended

- 42.—**(1) Clause *d* of subsection 1 of section 80 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out "100 feet" in the second line and inserting in lieu thereof "30.5 metres".

s. 82 (1),  
amended

- (2) Subsection 1 of section 82 of the said Act is amended,

(a) by striking out "25 miles" in the fifth line and inserting in lieu thereof "40 kilometres"; and

(b) by striking out "60 miles" in the sixth line and inserting in lieu thereof "100 kilometres".

- (3) Subsection 1 of section 90 of the said Act is amended by <sup>s. 90 (1),</sup> striking out "150 feet" in the second line and inserting in <sup>amended</sup> lieu thereof "forty-five metres".
- (4) Clause *f* of subsection 1 of section 127 of the said Act is <sup>s. 127 (1) (f),</sup> amended by striking out "a mileage allowance not exceeding <sup>amended</sup> 10 cents for each mile" in the first and second lines and inserting in lieu thereof "an allowance in such amount as may be determined by the School Board for each kilometre".
- (5) Clause *a* of subsection 2 of section 128 of the said Act is <sup>s. 128 (2) (a),</sup> amended by striking out "feet" in the sixth line and insert- <sup>amended</sup> ing in lieu thereof "metres".

**43.**—(1) Subsection 1 of section 1 of *The Ontario Unconditional* <sup>1975, c. 7,</sup> *Grants Act, 1975*, being chapter 7, is amended, <sup>s. 1 (1),</sup> <sup>amended</sup>

(a) in clause *a*, by striking out "acres" in the first line and in the second line and inserting in lieu thereof in each instance "hectares"; and

(b) in clause *d*,

(i) by striking out "acres" in the third line and inserting in lieu thereof "hectares", and

(ii) by striking out "two" in the third line and inserting in lieu thereof "three".

- (2) Schedule 1 to the said Act is repealed and the following <sup>Sched. 1,</sup> substituted therefor: <sup>re-enacted</sup>

### SCHEDULE 1

DENSITY	AMOUNT PER CAPITA
0.375 and under	\$5.00
Over 0.375 to and including 0.75	4.00
Over 0.75 to and including 1.125	3.00
Over 1.125 to and including 1.5	2.00
Over 1.5 to and including 1.875	1.00
Over 1.875	Nil



- (a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and
- (b) in clause *b*, by striking out "one quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

s. 41 (4),  
amended

- (2) Subsection 4 of section 41 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres".

s. 46 (1),  
amended

- (3) Subsection 1 of section 46 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres".

s. 75 (3), (e),  
amended

- (4) Clause *e* of subsection 3 of section 75 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "fifteen miles" in the second line and inserting in lieu thereof "24.14 kilometres".

1973, c. 70,  
s. 40 (1),  
amended

- 49.—**(1) Subsection 1 of section 40 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, is amended,

- (a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and
- (b) in clause *b*, by striking out "one quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

s. 41 (4),  
amended

- (2) Subsection 4 of section 41 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres".

s. 46 (1),  
amended

- (3) Subsection 1 of section 46 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres".

s. 73 (3) (e),  
amended

- (4) Clause *e* of subsection 3 of section 73 of the said Act is amended by striking out "fifteen miles" in the second line and inserting in lieu thereof "24.14 kilometres".

1973, c. 74,  
s. 40 (1),  
amended

- 50.—**(1) Subsection 1 of section 40 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is amended,

- (a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and
  - (b) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".
- (2) Subsection 4 of section 41 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres". s. 41 (4),  
amended
  - (3) Subsection 1 of section 46 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres". s. 46 (1),  
amended
  - (4) Clause *e* of subsection 3 of section 73 of the said Act is amended by striking out "fifteen miles" in the second line and inserting in lieu thereof "24.14 kilometres". s. 73 (3) (e),  
amended

**51.**—(1) Subsection 1 of section 76 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970,  
c. 406, s. 76 (1),  
amended

- (a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and
  - (b) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".
- (2) Subsection 4 of section 77 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres". s. 77 (4),  
amended
  - (3) Subsection 1 of section 84 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres". s. 84 (1),  
amended
  - (4) Clause *e* of subsection 3 of section 112 of the said Act is amended by striking out "five miles" in the third line and inserting in lieu thereof "8.05 kilometres". s. 112 (3) (e),  
amended

**52.**—(1) Subsection 1 of section 55a of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 126, section 8, is amended, R.S.O. 1970,  
c. 407,  
s. 55a (1),  
amended

(a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and

(b) in clause *b*, by striking out "one-quarter mile" in the second line and inserting in lieu thereof "400 metres".

s. 55c (1),  
amended

(2) Subsection 1 of section 55c of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 8, is amended,

(a) by striking out "25 miles" in the sixth line and inserting in lieu thereof "40 kilometres"; and

(b) by striking out "60 miles" in the seventh line and inserting in lieu thereof "100 kilometres".

s. 61 (1),  
amended

(3) Subsection 1 of section 61 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres".

1973, c. 60,  
s. 40 (1),  
amended

**53.**—(1) Subsection 1 of section 40 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is amended,

(a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and

(b) in clause *b*, by striking out "one quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

s. 41 (4),  
amended

(2) Subsection 4 of section 41 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres".

s. 46 (1),  
amended

(3) Subsection 1 of section 46 of the said Act is amended by striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres".

s. 73 (3) (e),  
amended

(4) Clause *e* of subsection 3 of section 73 of the said Act is amended by striking out "fifteen miles" in the second line and inserting in lieu thereof "24.14 kilometres".

1972, c. 104,  
s. 48 (5) (e),  
amended

**54.**—(1) Clause *e* of subsection 5 of section 48 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, is amended by striking out "twenty miles" in the third line and inserting in lieu thereof "32.18 kilometres".

- (2) Subsection 1 of section 64 of the said Act is amended, s. 64 (1),  
amended
- (a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and
  - (b) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".
- (3) Subsection 4 of section 65 of the said Act is amended by s. 65 (4),  
amended striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres".

**55.**—(1) Subsection 1 of section 79 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is amended, 1972, c. 105,  
s. 79 (1),  
amended

- (a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and
  - (b) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".
- (2) Subsection 4 of section 80 of the said Act is amended by s. 80 (4),  
amended striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres".
- (3) Subsection 1 of section 85 of the said Act is amended by s. 85 (1),  
amended striking out "150 feet" in the second line and inserting in lieu thereof "forty-five metres".
- (4) Paragraph 1 of subsection 2 of section 159*a* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 164, section 4, is amended by striking out "three miles" in the ninth line and inserting in lieu thereof "five kilo-metres". s. 159*a* (2),  
par. 1,  
amended

**56.**—(1) Subsection 1 of section 76 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, is amended, R.S.O. 1970,  
c. 408, s. 76 (1),  
amended

- (a) in clause *a*, by striking out "150 feet" in the first line and inserting in lieu thereof "forty-five metres"; and
- (b) in clause *b*, by striking out "one-quarter mile" in the first and second lines and inserting in lieu thereof "400 metres".

s. 77 (4),  
amended

- (2) Subsection 4 of section 77 of the said Act is amended by striking out "100 feet" in the fourth line and inserting in lieu thereof "thirty metres".

R.S.O. 1970,  
c. 445, s. 3 (2),  
amended

- 57.**—(1) Subsection 2 of section 3 of *The Statute Labour Act*, being chapter 445 of the Revised Statutes of Ontario, 1970, is amended by striking out "200 acres" in the third line and in the fifth line and inserting in lieu thereof in each instance "eighty-one hectares".

s. 24 (1),  
re-enacted

- (2) Subsection 1 of section 24 of the said Act is repealed and the following substituted therefor:

Amount of  
statute  
labour to  
be performed

- (1) Notwithstanding subsection 3, each owner, locatee, purchaser or tenant of land may be required to perform one day's labour for every twenty hectares and one day's labour for the remainder of the hectareage held by him, where the total hectareage held by him divided by twenty leaves a remainder, and for the first four hectares that he has cleared after the first four, he may be required to perform one day's additional labour, and for every eight hectares over and above the first four, one additional day's labour, and each householder who is not an owner, locatee, purchaser or tenant of the land may be required each year to perform one day's labour.

s. 24 (2),  
amended

- (3) Subsection 2 of section 24 of the said Act is amended by striking out "fifty acres" in the second line and inserting in lieu thereof "twenty hectares".

Form 3,  
amended

- (4) Form 3 of the said Act is amended,

(a) by striking out the sub-heading to column 6 and inserting in lieu thereof "No. of Hectares"; and

(b) by striking out the sub-heading to column 7 and inserting in lieu thereof "No. of Hectares Cleared".

Form 6,  
amended

- (5) Form 6 of the said Act is amended by striking out the column heading "Number of Acres" and inserting in lieu thereof "Number of Hectares".

## PART X

### PROVINCIAL SECRETARIAT FOR RESOURCES DEVELOPMENT

1973, c. 52  
s. 25 (1),  
amended

- 58.** Subsection 1 of section 25 of *The Niagara Escarpment Planning and Development Act*, 1973, being chapter 52, is amended by striking out "400 feet" in the seventh line and inserting in lieu thereof "120 metres".

- 59.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-  
ment
- 60.** The short title of this Act is *The Metric Conversion Statute Law Amendment Act, 1978*. Short title



The Metric Conversion Statute Law  
Amendment Act, 1978

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*1st Reading*

June 22nd, 1978

*2nd Reading*

November 30th, 1978

*3rd Reading*

December 5th, 1978

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THE HON. L. GROSSMAN  
Minister of Industry and Tourism

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A-2-44  
X 8  
-B 56

Government  
Publications

214  
**BILL 138**

**Private Member's Bill**

---

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

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**An Act to amend  
The Municipality of Metropolitan Toronto Act**

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MR. SMITH  
Hamilton West

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#### EXPLANATORY NOTE

The purpose of the Bill is to give each of the area municipalities in The Municipality of Metropolitan Toronto the status of a city municipality. The newly-established cities of East York, Etobicoke, North York, Scarborough and York continue to receive provincial aid for a ten year period as if they were township municipalities.

BILL 138

1978

## An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 148a of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 42, section 7, is repealed and the following substituted therefor:

148a.—(1) On the 1st day of January, 1979,

Area municipalities  
erected into  
city municipalities

- (a) The Corporation of the Borough of East York is erected into a city municipality bearing the name of The Corporation of the City of East York;
- (b) The Corporation of the Borough of Etobicoke is erected into a city municipality bearing the name of The Corporation of the City of Etobicoke;
- (c) The Corporation of the Borough of North York is erected into a city municipality bearing the name of The Corporation of the City of North York;
- (d) The Corporation of the Borough of Scarborough is erected into a city municipality bearing the name of The Corporation of the City of Scarborough;
- (e) The Corporation of the Borough of York is erected into a city municipality bearing the name of The Corporation of the City of York.

(2) A reference in this Act and in any other general or special Act to The Corporation of the Borough of East York, The Corporation of the Borough of Etobicoke, The Corporation of the Borough of North York, The Corporation of the Borough of Scarborough or The Corporation of the Borough

References in  
other Acts

of York shall be deemed to be a reference to The Corporation of the City of East York, The Corporation of the City of Etobicoke, The Corporation of the City of North York, The Corporation of the City of Scarborough and The Corporation of the City of York, respectively.

Provincial  
aid

(3) Notwithstanding subsections 1 and 2, The Corporation of the City of East York, The Corporation of the City of Etobicoke, The Corporation of the City of North York, The Corporation of the City of Scarborough and The Corporation of the City of York shall each be deemed to be a township municipality until the 1st day of January, 1989 for the purposes of determining the eligibility for provincial aid and the amount of such aid.

Commence-  
ment

**2.** This Act comes into force on the day it receives Royal Assent.

Short title

**3.** The short title of this Act is *The Municipality of Metropolitan Toronto Amendment Act, 1978*.









An Act to amend  
The Municipality of Metropolitan  
Toronto Act

---

*1st Reading*

June 22nd, 1978

*2nd Reading*

*3rd Reading*

---

MR. SMITH  
Hamilton West

---

*(Private Member's Bill)*

XB  
-B 56

**BILL 139**

**Private Member's Bill**

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act respecting Hospital Administrative Procedures  
relating to Abortions performed in Ontario**

MR. SWEENEY



#### EXPLANATORY NOTE

The Bill establishes several administrative procedures governing the manner in which Ontario hospitals provide services and facilities for the performance of abortions in Ontario. The Bill requires that a patient be provided with information concerning the life condition of an unborn child, the risks to her, and the social services available to care for the child before consenting to an abortion operation. Where a physician determines that an unborn child has potential to remain alive outside the womb of the mother, the physician shall use medical procedures designed to maintain the life of the child. A second physician must be in attendance in these circumstances. The Bill provides that hospital facilities and services shall be made available unless the continuation of the pregnancy is likely to endanger the life or cause serious and permanent injury to the physical or mental health of the patient. The Bill further provides for continuing review, by the Minister of Health, of abortions performed in Ontario to ensure compliance with the laws relating to the performance of abortions.

BILL 139

1978

**An Act respecting  
Hospital Administrative Procedures  
relating to Abortions performed in  
Ontario**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "abortion" means a medical or surgical procedure performed to terminate pregnancy;
- (b) "hospital" means a public or private hospital;
- (c) "Minister" means the Minister of Health;
- (d) "Ministry" means the Ministry of Health;
- (e) "physician" means a legally qualified medical practitioner;
- (f) "therapeutic abortion committee" for any hospital means a committee appointed by the board of a hospital for the purpose of considering and determining questions related to termination of pregnancy within the hospital.

**2.** The purpose of this Act is to establish administrative <sup>Purpose</sup> procedures for hospitals applicable to the performance of abortions in Ontario to facilitate proper administration by the hospitals of the laws relating to abortion operations.

**3.** Notwithstanding anything in this or any other Act, <sup>Certificate</sup> no hospital shall provide or make available any hospital services or facilities for the performance of an abortion unless the therapeutic abortion committee of the hospital has, in addition to any other certificate required by law,

issued a certificate indicating that in its opinion the continuation of the pregnancy of the patient would or would likely endanger the life or cause serious and permanent injury to the physical or mental health of the patient.

Assessment by  
physician

4.—(1) An attending physician who is responsible for the performance of an abortion shall, before performing the abortion,

- (a) make an assessment of the potential for the unborn child to remain alive outside the womb of the patient, either naturally or by means of artificial life-support systems;
- (b) report the results of the assessment to the therapeutic abortion committee and to the patient.

Information  
statement

(2) In addition to the information given to a patient under subsection 1, every attending physician shall give to the patient, before performing the abortion, an information statement setting forth, in a manner that is readable and comprehensible to the patient,

- (a) a description of the life condition and development of the unborn child at the time of the operation;
- (b) the nature and likelihood of any risk of physical and emotional harm that may be suffered by the patient as a result of the abortion; and
- (c) a description of the agencies and social services available to assist the patient during pregnancy and after the birth of the child, in case the patient decides not to have the abortion, whether the patient wishes to keep the child or place the child for adoption,

and a copy of the information statement shall be signed by the patient and forwarded to the therapeutic abortion committee.

Consent

(3) No consent given by a patient authorizing the performance of an abortion is valid and binding unless the patient has been provided with the physician's assessment and the information statement more than twenty-four hours before the consent is given.

Medical  
procedures

5.—(1) Where the attending physician determines that the unborn child has potential for life outside the womb of the patient, the physician shall use the medical procedures

that are most likely to preserve the life of the unborn child unless such procedures would or would likely endanger the life of or cause serious and permanent injury to the physical health of the patient.

(2) Where the attending physician has determined that the unborn child has potential for life outside the womb of the patient, a second physician shall be in attendance during the operation to take care of and give immediate medical attention to the child born as a result of the abortion.

6. After the performance of an abortion, the attending physician shall prepare and forward to the therapeutic abortion committee a detailed report concerning the circumstances, medical procedures used and the results of the abortion performed by the physician.

7. No physician, nurse or other person shall be dismissed or disciplined for a refusal to perform or participate in the performance of an operation for an abortion where the reason for the refusal is a *bona fide* objection on moral or ethical grounds to the performance of the operation.

8.—(1) The medical record compiled for each patient admitted to a hospital for the purpose of having an abortion shall include,

- (a) any certificate issued in respect of the abortion by the therapeutic abortion committee;
- (b) the physician's assessment referred to in section 4;
- (c) the information statement given to the patient;
- (d) a consent in writing authorizing the abortion signed by the patient; and
- (e) the physician's report referred to in section 6.

(2) The medical records compiled by a hospital in respect of the abortions performed in the hospital shall be made available by the hospital for inspection by the Ministry to ensure compliance with this Act, and the Minister shall provide for such inspection at least once during every six month period.

(3) The Minister may designate one or more employees of the Ministry to be inspectors for the purposes of this Act.

(4) When conducting an inspection, the inspector shall inspect each medical record compiled for an abortion per-

formed since the previous inspection and may inspect any other medical record compiled for an abortion for the purposes of this Act.

Report to  
Minister

(5) Where an inspector has reasonable cause to believe that a contravention of this Act has occurred, the inspector shall make a detailed report concerning the matter to the Minister who may take such action as the Minister considers appropriate in the circumstances.

Confidentiality

**9.** Every person making an inspection under this Act shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties and inspection and shall not communicate any such matters to any other person except,

(a) as may be required in connection with the administration of this Act;

(b) with the consent of the patient; and

(c) with the approval of the Minister.

Commence-  
ment

**10.** This Act comes into force on the day it receives Royal Assent.

Short title

**11.** The short title of this Act is *The Hospital Abortions Procedures Act, 1978*.





An Act respecting Hospital  
Administrative Procedures  
relating to Abortions  
performed in Ontario

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*1st Reading*

June 22nd, 1978

*2nd Reading*

*3rd Reading*

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MR. SWEENEY

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(*Private Member's Bill*)

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend  
The Highway Traffic Act**

MR. PETERSON

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of this Bill is to allow married persons to have drivers' licences issued to them in their legal names or in names combining or hyphenating their names with those of their spouses.

BILL 140

1978

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 167, section 4, and amended by the Statutes of Ontario, 1974, chapter 123, section 3 and 1977, chapter 54, section 1, is further amended by adding thereto the following subsection:

(2a) A driver's licence shall be issued to a person in the person's legal name, except that where a married person applies to the Minister to have a licence issued to the person in a name which includes a combination or hyphenation of the person's legal surname before marriage with the legal surname of the person's spouse, the Minister shall issue a licence in that name.

2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is *The Highway Traffic Amendment Act, 1978*.

An Act to amend  
The Highway Traffic Act

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*1st Reading*

June 23rd, 1978

*2nd Reading*

*3rd Reading*

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MR. PETERSON

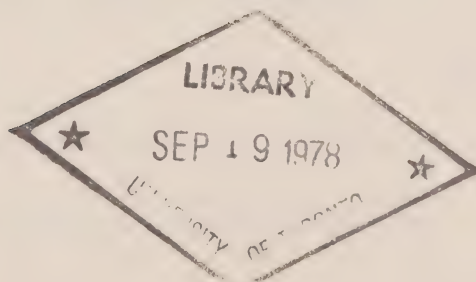
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(*Private Member's Bill*)

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act respecting Labour Disputes between the Toronto  
Transit Commission and Division 113, Amalgamated Transit  
Union, Lodge 235, International Association of Machinists  
and Aerospace Workers and the Canadian Union of Public  
Employees, Local No. 2**

THE HON. R. ELGIE  
Minister of Labour



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



#### EXPLANATORY NOTE

The purpose of the Bill is to provide for the compulsory arbitrations of the labour disputes between the Toronto Transit Commission and the unions representing its employees and for the resumption of operations of the transit facilities.

BILL 141

1978

**An Act respecting Labour Disputes between the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2**

**W**HEREAS the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2, have been parties to collective agreements, all of which have expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under *The Labour Relations Act*; and whereas conciliation efforts have reached an impasse and the parties are unable to achieve a settlement of the disputes; and whereas strikes by the unions against the employer have caused a cessation of the operation of public transportation facilities; and whereas the public interest and welfare requires that means be provided to bring the strikes to an end and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties;

Preamble

R.S.O. 1970,  
c. 232

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-  
tation

- (a) “employer” means the Toronto Transit Commission;
- (b) “expiry date” means, in the case of the collective agreement between the Toronto Transit Commission and,
  - (i) Division 113, Amalgamated Transit Union, the 30th day of June, 1978,

(ii) Lodge 235, International Association of Machinists and Aerospace Workers, the 30th day of March, 1978, and

(iii) the Canadian Union of Public Employees, Local No. 2, the 31st day of March, 1978;

(c) "Minister" means the Minister of Labour;

(d) "parties" means the employer and the unions;

(e) "unions" means Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers, and the Canadian Union of Public Employees, Local No. 2 or any one of them.

Idem

(2) Unless a contrary intention appears, expressions used in this Act have the same meaning as in *The Labour Relations Act*.

Application of Act

**2.**—(1) This Act applies to the parties and to the employees of the employer on whose behalf the unions are entitled to bargain with the employer under *The Labour Relations Act*.

Application of R.S.O. 1970, c. 232

(2) Except as modified by this Act, *The Labour Relations Act* applies to the parties and to the employees mentioned in subsection 1.

Appointment of arbitrator

**3.**—(1) The Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine into and decide upon the matters referred to in section 4.

Replacement of arbitrator

(2) Where the arbitrator is unable to enter on or to carry on his duties so as to enable him to render his decision within the period of time mentioned in subsection 4 of section 4, the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator in his place and the inquiry shall begin anew.

Procedure

(3) The arbitrator shall determine his own procedure, but shall give full opportunity to the employer and the unions to present their evidence and make their submissions.

Powers of arbitrator

(4) The arbitrator has all the powers of an arbitrator under *The Labour Relations Act*.

Duty of arbitrator

**4.**—(1) The arbitrator shall examine into and decide all matters remaining in dispute between the employer and the

unions immediately before the coming into force of this Act including any matter that may be a subject of dispute as to agreement thereon and any other matters that appear to the arbitrator to be necessary to be decided in order to conclude collective agreements between the parties.

(2) The arbitrator shall remain seized of and may deal with all matters within his jurisdiction until collective agreements between the employer and the unions are in effect.

Arbitrator  
to remain  
seized of  
matters in  
dispute

(3) Where, before or during the proceedings before the arbitrator, the employer and the unions agree upon some matters to be included in the collective agreements and they so notify the arbitrator in writing, the arbitrator's decision shall be confined to,

Agreement  
upon some  
matters

(a) the matters not agreed upon between the employer and the unions; and

(b) such other matters as may be agreed upon by the employer and the unions or may appear to the arbitrator to be necessary to be decided in order to conclude the collective agreements.

(4) The decision of the arbitrator shall be made within forty-five days after the date of his appointment or within such further period of time as the Minister may permit.

Decision of  
arbitrator

**5.**—(1) The decision of the arbitrator shall be binding upon the employer and the unions and the employees on whose behalf the unions are entitled to bargain with the employer under *The Labour Relations Act*.

Decision  
binding

R.S.O. 1970,  
c. 232

(2) Within seven days of the date of the decision of the arbitrator or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute documents giving effect to the decision of the arbitrator and any agreement of the parties, and the documents thereupon constitute collective agreements.

Execution  
of agreement

(3) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the decision of the arbitrator and any agreement of the parties within the period mentioned in subsection 2, the parties or any of them shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare documents in the form of collective agreements giving effect to the decision of the arbitrator and any agreement of the parties and submit the documents to the parties for execution.

Preparation  
of  
agreement  
by board

Failure  
to  
execute  
agreement

(4) If the parties or any of them fail to execute the documents prepared by the arbitrator within a period of seven days from the day of submission of the documents by the arbitrator to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements under *The Labour Relations Act*.

R.S.O. 1970,  
c. 232

R.S.O. 1970,  
c. 25 not  
to apply

**6.**—(1) *The Arbitrations Act* does not apply to the proceedings under this Act.

Idem  
1971, c. 47

(2) Part I of *The Statutory Powers Procedure Act, 1971* does not apply to the proceedings under this Act.

**7.**—(1) Upon the coming into force of this Act,

Strikes  
terminated

(a) the strikes shall be terminated immediately by the unions and the employees mentioned in subsection 1 of section 2;

Employees  
to return  
to work

(b) every employee mentioned in subsection 1 of section 2 shall report for work and shall perform his duties in accordance with his work assignment;

Resumption  
of  
operations

(c) the employer shall commence immediately to operate and continue to operate its undertakings to their normal extent, scope and capacity;

No strike  
or lock-out

(d) no person, employee or officer, official or agent of the employer or the unions shall engage in, declare, authorize or acquiesce in a lock-out, strike, picketing or in any activity contrary to any provision of this Act;

Terms of  
employment  
not to be  
altered

(e) the employer shall not, except with the consent of the unions, alter the rates of wages of the employees or any other term or condition of employment, or any right, privilege or duty of the unions or the employees, that were in operation on the expiry date; and

Idem

(f) the unions shall not, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the unions or the employees, that were in operation on the expiry date.



(2) Any difference between the parties as to whether or not clauses *e* and *f* of subsection 1 have been complied with may be referred to arbitration by the parties or any of them as if the collective agreements were still in operation, and section 37 of *The Labour Relations Act* applies with necessary modifications thereto. Compliance with subsection 1

8. Subsection 3 of section 63, sections 65 and 66, subsection 1 of section 67 and sections 82, 83, 83*a*, 84, 85, 86, 87, 88 and 90 of *The Labour Relations Act* apply with necessary modifications under this Act as if such sections were enacted in and form part of this Act. Application of R.S.O. 1970, c. 232

9.—(1) Notwithstanding sections 85 and 90 of *The Labour Relations Act*, any person or union or any officer or official of any of them who contravenes or fails to comply with any provision of this Act is guilty of an offence and on summary conviction is liable, Penalty

(a) if an individual to a fine of not more than \$1,000; or

(b) if a corporation or trade union to a fine of not more than \$10,000.

(2) Every individual, corporation or union that fails to comply with any provision of this Act is, in addition to the penalty mentioned in subsection 1, liable to a fine of not more than \$500 per day for every day upon which the offence continues. Idem

10. The employer and the unions shall assume their own costs of the proceedings under this Act, and the remuneration and expense of the arbitrator shall be paid out of the Consolidated Revenue Fund. Costs

11. This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the last of the three collective agreements made under this Act comes into operation. Commencement and repeal

12. The short title of this Act is *The Toronto Transit Commission Labour Disputes Settlement Act, 1978*. Short title

An Act respecting Labour Disputes between the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2

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*1st Reading*

September 13th, 1978

*2nd Reading*

*3rd Reading*

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THE HON. R. ELGIE  
Minister of Labour

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*(Government Bill)*

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act respecting Labour Disputes between the Toronto  
Transit Commission and Division 113, Amalgamated Transit  
Union, Lodge 235, International Association of Machinists  
and Aerospace Workers and the Canadian Union of Public  
Employees, Local No. 2**

THE HON. R. ELGIE  
Minister of Labour



*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide for the compulsory arbitrations of the labour disputes between the Toronto Transit Commission and the unions representing its employees and for the resumption of operations of the transit facilities.



BILL 141

1978

**An Act respecting Labour Disputes between the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2**

**W**HEREAS the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2, have been parties to collective agreements, all of which have expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under *The Labour Relations Act*; and whereas conciliation efforts have reached an impasse and the parties are unable to achieve a settlement of the disputes; and whereas strikes by the unions against the employer have caused a cessation of the operation of public transportation facilities; and whereas the public interest and welfare requires that means be provided to bring the strikes to an end and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties;

Preamble

R.S.O. 1970,  
c. 232

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.—(1)** In this Act,

Interpre-  
tation

(a) “employer” means the Toronto Transit Commission;

(b) “expiry date” means, in the case of the collective agreement between the Toronto Transit Commission and,

(i) Division 113, Amalgamated Transit Union,  
the 30th day of June, 1978,

(ii) Lodge 235, International Association of Machinists and Aerospace Workers, the 31st day of March, 1978, and

(iii) the Canadian Union of Public Employees, Local No. 2, the 31st day of March, 1978;

(c) "Minister" means the Minister of Labour;

(d) "parties" means the employer and the unions;

(e) "unions" means Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers, and the Canadian Union of Public Employees, Local No. 2 or any one of them.

Idem (2) Unless a contrary intention appears, expressions used in this Act have the same meaning as in *The Labour Relations Act*.

Application of Act **2.**—(1) This Act applies to the parties and to the employees of the employer on whose behalf the unions are entitled to bargain with the employer under *The Labour Relations Act*.

Application of R.S.O. 1970, c. 232 (2) Except as modified by this Act, *The Labour Relations Act* applies to the parties and to the employees mentioned in subsection 1.

Appointment of arbitrator **3.**—(1) The Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine into and decide upon the matters referred to in section 4.

Replacement of arbitrator (2) Where the arbitrator is unable to enter on or to carry on his duties so as to enable him to render his decision within the period of time mentioned in subsection 4 of section 4, the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator in his place and the inquiry shall begin anew.

Procedure (3) The arbitrator shall determine his own procedure, but shall give full opportunity to the employer and the unions to present their evidence and make their submissions.

Powers of arbitrator (4) The arbitrator has all the powers of an arbitrator under *The Labour Relations Act*.

Duty of arbitrator **4.**—(1) The arbitrator shall examine into and decide all matters remaining in dispute between the employer and the

unions immediately before the coming into force of this Act including any matter that may be a subject of dispute as to agreement thereon and any other matters that appear to the arbitrator to be necessary to be decided in order to conclude collective agreements between the parties.

(2) The arbitrator shall remain seized of and may deal with all matters within his jurisdiction until collective agreements between the employer and the unions are in effect.

Arbitrator  
to remain  
seized of  
matters in  
dispute

(3) Where, before or during the proceedings before the arbitrator, the employer and the unions agree upon some matters to be included in the collective agreements and they so notify the arbitrator in writing, the arbitrator's decision shall be confined to,

Agreement  
upon some  
matters

(a) the matters not agreed upon between the employer and the unions; and

(b) such other matters as may be agreed upon by the employer and the unions or may appear to the arbitrator to be necessary to be decided in order to conclude the collective agreements.

(4) The decision of the arbitrator shall be made within forty-five days after the date of his appointment or within such further period of time as the Minister may permit.

Decision of  
arbitrator

5.—(1) The decision of the arbitrator shall be binding upon the employer and the unions and the employees on whose behalf the unions are entitled to bargain with the employer under *The Labour Relations Act*.

Decision  
binding

R.S.O. 1970,  
c. 232

(2) Within seven days of the date of the decision of the arbitrator or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute documents giving effect to the decision of the arbitrator and any agreement of the parties, and the documents thereupon constitute collective agreements.

Execution  
of agreement

(3) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the decision of the arbitrator and any agreement of the parties within the period mentioned in subsection 2, the parties or any of them shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare documents in the form of collective agreements giving effect to the decision of the arbitrator and any agreement of the parties and submit the documents to the parties for execution.

Preparation  
of agreement  
by board



Failure  
to  
execute  
agreement

(4) If the parties or any of them fail to execute the documents prepared by the arbitrator within a period of seven days from the day of submission of the documents by the arbitrator to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements under *The Labour Relations Act*.

R.S.O. 1970,  
c. 232

R.S.O. 1970,  
c. 25 not  
to apply

6.—(1) *The Arbitrations Act* does not apply to the proceedings under this Act.

Idem  
1971, c. 47

(2) Part I of *The Statutory Powers Procedure Act, 1971* does not apply to the proceedings under this Act.

Hourly  
rates of  
wages

7. The basic hourly rates of wages for employees to whom this Act applies are hereby increased by 4 per cent over the basic hourly wage rates in effect on the expiry date retroactive in each case to the day immediately following the expiry date and the decision of the arbitrator shall include such increase, but nothing in this section prevents the arbitrator from granting increases in the basic hourly wage rates in excess of those established in this section.

8.—(1) Upon the coming into force of this Act,

Strikes  
terminated

(a) the strikes shall be terminated immediately by the unions and the employees mentioned in subsection 1 of section 2;

Employees  
to return  
to work

(b) every employee mentioned in subsection 1 of section 2 shall report for work and shall perform his duties in accordance with his work assignment;

Resumption  
of  
operations

(c) the employer shall commence start-up operations immediately and, as soon as practicable, shall operate and continue to operate its undertakings to their normal extent, scope and capacity;

No strike  
or lock-out

(d) no person, employee or officer, official or agent of the employer or the unions shall engage in, declare, authorize or acquiesce in a lock-out, strike, picketing or in any activity contrary to any provision of this Act;

Terms of  
employment  
not to be  
altered

(e) the employer shall not, except with the consent of the unions, alter the rates of wages of the employees as increased by this Act, or any other term or condition of employment, or any right, privilege or duty of the unions or the employees, that were in operation on the expiry date; and

- (f) the unions shall not, except with the consent of <sup>Idem</sup> the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the unions or the employees, that were in operation on the expiry date.

(2) Any difference between the parties as to whether or not clauses *e* and *f* of subsection 1 have been complied with may be referred to arbitration by the parties or any of them as if the collective agreements were still in operation, and section 37 of *The Labour Relations Act* applies with necessary modifications thereto. <sup>Compliance with subsection 1</sup>

**9.** Subsection 3 of section 63, sections 65 and 66, subsection 1 of section 67 and sections 82, 83, 83*a*, 84, 85, 86, 87, 88 and 90 of *The Labour Relations Act* apply with necessary modifications under this Act as if such sections were enacted in and form part of this Act. <sup>Application of R.S.O. 1970, c. 232</sup>

**10.—**(1) Notwithstanding sections 85 and 90 of *The Labour Relations Act*, any person or union or any officer or official of any of them who contravenes or fails to comply with any provision of this Act is guilty of an offence and on summary conviction is liable, <sup>Penalty</sup>

- (a) if an individual to a fine of not more than \$1,000; or
- (b) if a corporation or trade union to a fine of not more than \$10,000.

(2) Every individual, corporation or union that fails to comply with any provision of this Act is, in addition to the penalty mentioned in subsection 1, liable to a fine of not more than \$500 per day for every day upon which the offence continues. <sup>Idem</sup>

**11.** The employer and the unions shall assume their own costs of the proceedings under this Act, and the remuneration and expense of the arbitrator shall be paid out of the Consolidated Revenue Fund. <sup>Costs</sup>

**12.** This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the last of the three collective agreements made under this Act comes into operation. <sup>Commencement and repeal</sup>

**13.** The short title of this Act is *The Toronto Transit Commission Labour Disputes Settlement Act, 1978*. <sup>Short title</sup>



An Act respecting Labour Disputes between the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2

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*1st Reading*

September 13th, 1978

*2nd Reading*

September 13th, 1978

*3rd Reading*

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THE HON. R. ELGIE  
Minister of Labour

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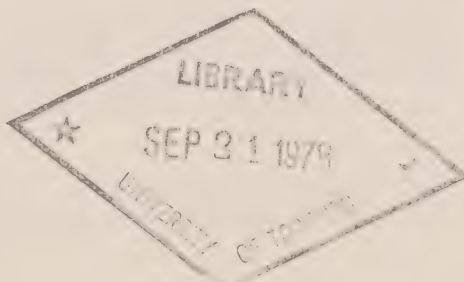
(Reprinted as amended by the  
Committee of the Whole House)

**BILL 141**

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act respecting Labour Disputes between the Toronto  
Transit Commission and Division 113, Amalgamated Transit  
Union, Lodge 235, International Association of Machinists  
and Aerospace Workers and the Canadian Union of Public  
Employees, Local No. 2**

THE HON. R. ELGIE  
Minister of Labour





BILL 141

1978

**An Act respecting Labour Disputes between  
the Toronto Transit Commission and Division  
113, Amalgamated Transit Union, Lodge 235,  
International Association of Machinists and  
Aerospace Workers and the Canadian Union  
of Public Employees, Local No. 2**

**W**HEREAS the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2, have been parties to collective agreements, all of which have expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under *The Labour Relations Act*; and whereas conciliation efforts have reached an impasse and the parties are unable to achieve a settlement of the disputes; and whereas strikes by the unions against the employer have caused a cessation of the operation of public transportation facilities; and whereas the public interest and welfare requires that means be provided to bring the strikes to an end and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties;

Preamble

R.S.O. 1970,  
c. 232

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-  
tation

- (a) “employer” means the Toronto Transit Commission;
- (b) “expiry date” means, in the case of the collective agreement between the Toronto Transit Commission and,
  - (i) Division 113, Amalgamated Transit Union, the 30th day of June, 1978,

(ii) Lodge 235, International Association of Machinists and Aerospace Workers, the 31st day of March, 1978, and

(iii) the Canadian Union of Public Employees, Local No. 2, the 31st day of March, 1978;

(c) "Minister" means the Minister of Labour;

(d) "parties" means the employer and the unions;

(e) "unions" means Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers, and the Canadian Union of Public Employees, Local No. 2 or any one of them.

Idem

(2) Unless a contrary intention appears, expressions used in this Act have the same meaning as in *The Labour Relations Act*.

Application of Act

**2.**—(1) This Act applies to the parties and to the employees of the employer on whose behalf the unions are entitled to bargain with the employer under *The Labour Relations Act*.

Application of R.S.O. 1970, c. 232

(2) Except as modified by this Act, *The Labour Relations Act* applies to the parties and to the employees mentioned in subsection 1.

Appointment of arbitrator

**3.**—(1) The Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine into and decide upon the matters referred to in section 4.

Replacement of arbitrator

(2) Where the arbitrator is unable to enter on or to carry on his duties so as to enable him to render his decision within the period of time mentioned in subsection 4 of section 4, the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator in his place and the inquiry shall begin anew.

Procedure

(3) The arbitrator shall determine his own procedure, but shall give full opportunity to the employer and the unions to present their evidence and make their submissions.

Powers of arbitrator

(4) The arbitrator has all the powers of an arbitrator under *The Labour Relations Act*.

Duty of arbitrator

**4.**—(1) The arbitrator shall examine into and decide all matters remaining in dispute between the employer and the

unions immediately before the coming into force of this Act including any matter that may be a subject of dispute as to agreement thereon and any other matters that appear to the arbitrator to be necessary to be decided in order to conclude collective agreements between the parties.

(2) The arbitrator shall remain seized of and may deal with all matters within his jurisdiction until collective agreements between the employer and the unions are in effect.

Arbitrator  
to remain  
seized of  
matters in  
dispute

(3) Where, before or during the proceedings before the arbitrator, the employer and the unions agree upon some matters to be included in the collective agreements and they so notify the arbitrator in writing, the arbitrator's decision shall be confined to,

Agreement  
upon some  
matters

(a) the matters not agreed upon between the employer and the unions; and

(b) such other matters as may be agreed upon by the employer and the unions or may appear to the arbitrator to be necessary to be decided in order to conclude the collective agreements.

(4) The decision of the arbitrator shall be made within forty-five days after the date of his appointment or within such further period of time as the Minister may permit.

Decision of  
arbitrator

5.—(1) The decision of the arbitrator shall be binding upon the employer and the unions and the employees on whose behalf the unions are entitled to bargain with the employer under *The Labour Relations Act*.

Decision  
binding

R.S.O. 1970,  
c. 232

(2) Within seven days of the date of the decision of the arbitrator or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute documents giving effect to the decision of the arbitrator and any agreement of the parties, and the documents thereupon constitute collective agreements.

Execution  
of agreement

(3) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the decision of the arbitrator and any agreement of the parties within the period mentioned in subsection 2, the parties or any of them shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare documents in the form of collective agreements giving effect to the decision of the arbitrator and any agreement of the parties and submit the documents to the parties for execution.

Preparation  
of  
agreement  
by board



Failure  
to  
execute  
agreement

(4) If the parties or any of them fail to execute the documents prepared by the arbitrator within a period of seven days from the day of submission of the documents by the arbitrator to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements under *The Labour Relations Act*.

R.S.O. 1970,  
c. 232

R.S.O. 1970,  
c. 25 not  
to apply

**6.**—(1) *The Arbitrations Act* does not apply to the proceedings under this Act.

Idem  
1971, c. 47

(2) Part I of *The Statutory Powers Procedure Act, 1971* does not apply to the proceedings under this Act.

Hourly  
rates of  
wages

**7.** The basic hourly rates of wages for employees to whom this Act applies are hereby increased by 4 per cent over the basic hourly wage rates in effect on the expiry date retroactive in each case to the day immediately following the expiry date and the decision of the arbitrator shall include such increase, but nothing in this section prevents the arbitrator from granting increases in the basic hourly wage rates in excess of those established in this section.

**8.**—(1) Upon the coming into force of this Act,

Strikes  
terminated

(a) the strikes shall be terminated immediately by the unions and the employees mentioned in subsection 1 of section 2;

Employees  
to return  
to work

(b) every employee mentioned in subsection 1 of section 2 shall report for work and shall perform his duties in accordance with his work assignment;

Resumption  
of  
operations

(c) the employer shall commence start-up operations immediately and, as soon as practicable, shall operate and continue to operate its undertakings to their normal extent, scope and capacity;

No strike  
or lock-out

(d) no person, employee or officer, official or agent of the employer or the unions shall engage in, declare, authorize or acquiesce in a lock-out, strike, picketing or in any activity contrary to any provision of this Act;

Terms of  
employment  
not to be  
altered

(e) the employer shall not, except with the consent of the unions, alter the rates of wages of the employees as increased by this Act, or any other term or condition of employment, or any right, privilege or duty of the unions or the employees, that were in operation on the expiry date; and



- (f) the unions shall not, except with the consent of <sup>Idem</sup> the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the unions or the employees, that were in operation on the expiry date.

(2) Any difference between the parties as to whether or not clauses *e* and *f* of subsection 1 have been complied with <sup>Compliance with subsection 1</sup> may be referred to arbitration by the parties or any of them as if the collective agreements were still in operation, and section 37 of *The Labour Relations Act* applies with necessary modifications thereto.

9. Subsection 3 of section 63, sections 65 and 66, sub- <sup>Application of</sup> section 1 of section 67 and sections 82, 83, 83a, 84, 85, 86, 87, <sup>R.S.O. 1970, c. 232</sup> 88 and 90 of *The Labour Relations Act* apply with necessary modifications under this Act as if such sections were enacted in and form part of this Act.

10.—(1) Notwithstanding sections 85 and 90 of *The* <sup>Penalty</sup> *Labour Relations Act*, any person or union or any officer or official of any of them who contravenes or fails to comply with any provision of this Act is guilty of an offence and on summary conviction is liable,

(a) if an individual to a fine of not more than \$1,000; or

(b) if a corporation or trade union to a fine of not more than \$10,000.

(2) Every individual, corporation or union that fails to <sup>Idem</sup> comply with any provision of this Act is, in addition to the penalty mentioned in subsection 1, liable to a fine of not more than \$500 per day for every day upon which the offence continues.

11. The employer and the unions shall assume their own <sup>Costs</sup> costs of the proceedings under this Act, and the remuneration and expense of the arbitrator shall be paid out of the Consolidated Revenue Fund.

12. This Act comes into force on the day it receives Royal <sup>Commence-</sup> Assent and is repealed on the day on which the last of the <sup>ment and</sup> <sup>repeal</sup> three collective agreements made under this Act comes into operation.

13. The short title of this Act is *The Toronto Transit* <sup>Short title</sup> *Commission Labour Disputes Settlement Act, 1978.*

An Act respecting Labour Disputes between the Toronto Transit Commission and Division 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2

---

*1st Reading*

September 13th, 1978

*2nd Reading*

September 13th, 1978

*3rd Reading*

September 13th, 1978

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THE HON. R. ELGIE  
Minister of Labour

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Publications

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

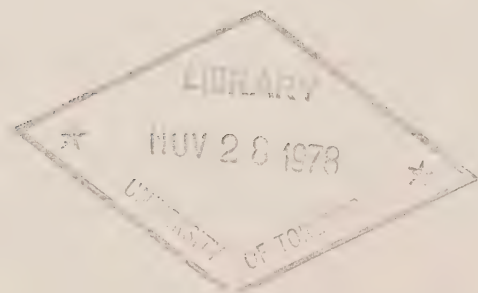
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**An Act to establish the Ministry of Treasury  
and Economics**

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THE HON. F. S. MILLER  
Treasurer of Ontario and Minister of Economics

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BILL 142

1978

## An Act to establish the Ministry of Treasury and Economics

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "appropriation" means an authority to pay money out of the Consolidated Revenue Fund;
- (b) "Consolidated Revenue Fund" means the aggregate of all public moneys that are on deposit at the credit of the Treasurer or in the name of any agency of the Crown approved by the Lieutenant Governor in Council;
- (c) "Deputy Treasurer" means the Deputy Treasurer of Ontario and Deputy Minister of Economics;
- (d) "fiscal year" means the period from the 1st day of April in one year to the 31st day of March in the next year;
- (e) "minister" means a member of the Executive Council;
- (f) "ministry" means a ministry of the Government of Ontario and includes a board, commission, authority, corporation and any other agency of the Government of Ontario;
- (g) "public money" means all money belonging to Ontario received or collected by the Treasurer or by any other public officer or by any person authorized to receive and collect such money and includes,

- (i) special funds of Ontario and the income and revenue therefrom,
- (ii) revenues of Ontario,
- (iii) money raised by way of loan by Ontario or received by Ontario through the issue and sale of securities, and
- (iv) money paid to Ontario for a special purpose;
- (h) "public officer" includes a minister and a person employed in a ministry;
- (i) "Treasurer" means the Treasurer of Ontario and Minister of Economics. 1972, c. 3, s. 1, *amended*.

Ministry  
established

**2.** There shall be a ministry of the public service to be known as the Ministry of Treasury and Economics. *New*.

Treasurer to  
have charge

**3.** The Treasurer shall preside over and have charge of the Ministry of Treasury and Economics and has power to act for and on behalf of the Ministry. 1972, c. 3, s. 1, *amended*.

Seal

**4.—(1)** The Lieutenant Governor in Council may authorize a seal for the Treasurer and prescribe its use on documents.

Mechanical  
reproduction  
of seal

**(2)** The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction, and when so reproduced has the same force and effect as if manually affixed. 1973, c. 33, s. 1.

Duties of  
Treasurer

**5.—(1)** The Treasurer shall direct and control the Ministry of Treasury and Economics, recommend to the Executive Council finance, economic, accounting and taxation policy, supervise, direct and control all finance, economic, statistical and accounting functions and manage the Consolidated Revenue Fund and all public money.

Administra-  
tion of Acts

**(2)** The Treasurer is responsible for the administration of this Act, the Acts set out in Schedule 1 and the Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council. 1972, c. 3, s. 4, *amended*.

Deputy  
Treasurer

**6.—(1)** The Lieutenant Governor in Council shall appoint a Deputy Treasurer of Ontario and Deputy Minister of Economics who shall be the deputy head of the Ministry of Treasury and Economics.



(2) Under the direction of the Treasurer, the Deputy Treasurer shall perform such duties as the Treasurer may assign or delegate to him. Duties of Deputy Treasurer

(3) Any power or duty conferred on the Treasurer by this or any other Act may be delegated by him, in writing, subject to such limitations, conditions and requirements as the Treasurer may set out in the delegation, to the Deputy Treasurer or to any officer of the Ministry of Treasury and Economics who may act for him in his place and stead, and when the Deputy Treasurer or such other officer acts in the place and stead of the Treasurer, it shall be presumed conclusively that he acted in accordance with such delegation. 1972, c. 3, s. 5, *amended*. Delegation of powers and duties of Treasurer

(4) Notwithstanding *The Executive Council Act*, a contract or an agreement made by a person empowered to do so under subsection 3 has the same effect as if made and signed by the Treasurer. *New*. Effect of R.S.O. 1970, c. 153

**7.**—(1) No action or other proceeding for damages shall be instituted against the Deputy Treasurer or any officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. Protection from personal liability

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 1 to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. *New*. Idem R.S.O. 1970, c. 365

**8.** The responsibility for the conduct of the financial business of each ministry shall rest with the head of the ministry, and the accounts, before being recommended to the Treasurer for payment, shall be checked and examined in detail and certified as correct in every respect and allowed and passed by the proper officers of the ministry. 1972, c. 3, s. 8. Responsibility with head of ministry

**9.**—(1) The certificate or order of the Attorney General or Deputy Attorney General that a sum of money is required to be paid out of the Consolidated Revenue Fund on account of the investigation, detection or punishment of any offence against the laws of Ontario or of Canada, or on account of special services or disbursements in connection with inquests, or any purpose connected with the administration of justice Payment for special cases



in either civil or criminal matters, is sufficient authority for the issuing of a cheque by the Treasurer for the amount named in the certificate or order, and the officer or other person to whom the cheque is issued shall account to the Attorney General for the proper disbursement of the amount received by such officer or other person.

Certificate  
of Attorney  
General or  
Deputy  
Attorney  
General

(2) The certificate of the Attorney General or Deputy Attorney General that any moneys received by any officer or other person under this section have been duly accounted for is final and conclusive and the account shall not be subject to any further examination. 1972, c. 3, s. 9.

Issue of  
cheques  
may be  
withheld

**10.**—(1) The Treasurer may withhold the issue of a cheque for the payment of public money if he has reason to believe that there is no authority for the payment.

Reference to  
Management  
Board of  
Cabinet

(2) When the issue of a cheque has been withheld under subsection 1, the Treasurer or the minister responsible may refer the matter to the Management Board of Cabinet for determination. 1972, c. 3, s. 10.

Information  
and access  
to records

**11.** Every ministry of the public service shall furnish the Treasurer with such information regarding its powers, duties, activities, organization, financial transactions and methods of business as he from time to time requires, and the Treasurer shall have access to all books, accounts, financial records, reports, files and other papers, things or property belonging to or in use by the ministry and shall be afforded every facility for verifying transactions with the balances or securities held by depositaries, fiscal agents or custodians. 1972, c. 3, s. 11.

Fiscal  
year

**12.**—(1) The Public Accounts shall cover the fiscal year.

Estimates

(2) All estimates submitted to the Legislature shall be for expenditures coming in course of payment during the fiscal year.

Lapse of  
appro-  
priations

(3) All balances of appropriations that remain unexpended at the end of a fiscal year shall lapse, except that during the period of thirty days next following the end of such fiscal year there may be paid out of any appropriation an amount not exceeding the unexpended balance of the appropriation for the purpose of discharging any debt that was incurred during such fiscal year, and the expenditure may be charged in the accounts of such fiscal year, but any debts that remain unpaid at the end of the period of thirty days next following the end of such fiscal year shall be paid out of the appropriation for the ensuing fiscal year. 1972, c. 3, s. 12.

**13.** The Public Accounts for each fiscal year shall be prepared under the direction of the Treasurer and shall be delivered to the Lieutenant Governor in Council and laid before the Assembly not later than the tenth day of the first session held in the following calendar year. 1972, c. 3, s. 13, *amended*. Preparation of Public Accounts

**14.** Notwithstanding anything in this Act, whenever the Assembly has concurred in the report of the Committee of Supply recommending the passing of any estimates, the Lieutenant Governor in Council may authorize the payment of any items of expenditure so concurred in. 1972, c. 3, s. 14. Payments authorized by Assembly

**15.** Every person who is to examine the accounts or inquire into the affairs of any ministry pursuant to this Act shall be required to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by, persons employed in that ministry. 1972, c. 3, s. 15. Oath of secrecy

**16.—(1)** A reference to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs in any Act listed in Schedule 1 or in any regulation made under such Act shall be deemed to be a reference to the Treasurer of Ontario and Minister of Economics, so long as the Treasurer administers such Act. References to Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

**(2)** A reference to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs in any contract, order in council, security or other document being of a finance, economic, taxation, statistical or accounting nature shall be deemed to be a reference to the Treasurer of Ontario and Minister of Economics. Idem

**(3)** A reference to, Idem

**(a)** the Treasurer of Ontario in any Act or regulation; and

**(b)** the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs in any Act listed in Schedule 2 or in any regulation made under any such Act,

shall be deemed to be a reference to the Treasurer of Ontario and Minister of Economics.

**(4)** A reference to the Department of Treasury and Economics in any Act or regulation or a reference to the Ministry of Treasury, Economics and Intergovernmental Affairs References to Ministry of Treasury, Economics and Intergovernmental Affairs

Affairs in any Act listed in Schedule 1 or 2 or in any regulation made under such Act or in any contract, order in council, security or other document described in subsection 2 shall be deemed to be a reference to the Ministry of Treasury and Economics. 1972, c. 3, s. 17, *amended*.

Power to  
amend  
Schedules  
1 and 2

**17.** The Lieutenant Governor in Council may by order amend Schedules 1 and 2. *New*.

Repeals

**18.** The following are repealed:

1. *The Ministry of Treasury, Economics and Intergovernmental Affairs Act, 1972*, being chapter 3.
2. *The Ministry of Treasury, Economics and Intergovernmental Affairs Amendment Act, 1973*, being chapter 33.
3. *The Ministry of Treasury, Economics and Intergovernmental Affairs Amendment Act, 1973 (No. 2)*, being chapter 169.

Commence-  
ment

**19.** This Act shall be deemed to have come into force on the 16th day of August, 1978.

Short title

**20.** The short title of this Act is *The Ministry of Treasury and Economics Act, 1978*.

## SCHEDULE 1

*The Agricultural Development Repeal Act, 1973*

*The Audit Act, 1977*

*The Farm Loans Act*

*The Farm Loans Adjustment Act*

*The Financial Administration Act*

*The Gold Clauses Act*

*The Ontario Economic Council Act*

*The Ontario Education Capital Aid Corporation Act*

*The Ontario Guaranteed Annual Income Act, 1974*

*The Ontario Loan Act*

*The Ontario Municipal Employees Retirement System Act*

*The Ontario Municipal Improvement Corporation Act*

*The Ontario Planning and Development Act, 1973*

*The Ontario Universities Capital Aid Corporation Act*

*The Ontario Youth Employment Act, 1977*

*The Parkway Belt Planning and Development Act, 1973*

*The Statistics Act*

*The Supply Act*

*The Venture Investment Corporations Registration Act, 1977*

## SCHEDULE 2

*The Corporations Tax Act, 1972*

*The Development Corporations Act, 1973*

*The Farm Income Stabilization Act, 1976*

*The Gasoline Tax Act, 1973*

*The Gift Tax Act, 1972*

*The Health Insurance Act, 1972*

*The Housing Development Act*

*The Income Tax Act*

*The Insurance Act*

*The Land Speculation Tax Act, 1974*

*The Land Transfer Tax Act, 1974*

*The Legislative Assembly Retirement Allowances Act, 1973*

*The Motor Vehicle Fuel Tax Act*

*The Ontario Deposit Insurance Corporation Act*

*The Ontario Energy Corporation Act, 1974*

*The Ontario Housing Corporation Act*

*The Ontario Land Corporation Act, 1974*

*The Ontario Lottery Corporation Act, 1974*

*The Ontario Telephone Development Act*

*The Ontario Transportation Development Corporation Act, 1973*

*The Power Corporation Act*

*The Proceedings Against the Crown Act*

*The Public Service Act*

*The Public Service Superannuation Act*

*The Race Tracks Tax Act*

*The Retail Sales Tax Act*

*The Rural Housing Assistance Act*

*The Succession Duty Act*

*The Superannuation Adjustment Benefits Act, 1975*

*The Teachers' Superannuation Act*

*The Tobacco Tax Act*



An Act to establish the  
Ministry of Treasury and Economics

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*1st Reading*

October 23rd, 1978

*2nd Reading*

November 7th, 1978

*3rd Reading*

November 7th, 1978

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THE HON. F. S. MULLER  
Treasurer of Ontario and Minister  
of Economics

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to establish the Ministry of Treasury  
and Economics**

THE HON. F. S. MILLER  
Treasurer of Ontario and Minister of Economics



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

# EXPLANATORY NOTE

The Bill establishes the Ministry of Treasury and Economics.



BILL 142

1978

## An Act to establish the Ministry of Treasury and Economics

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act,

Interpre-  
tation

- (a) "appropriation" means an authority to pay money out of the Consolidated Revenue Fund;
- (b) "Consolidated Revenue Fund" means the aggregate of all public moneys that are on deposit at the credit of the Treasurer or in the name of any agency of the Crown approved by the Lieutenant Governor in Council;
- (c) "Deputy Treasurer" means the Deputy Treasurer of Ontario and Deputy Minister of Economics;
- (d) "fiscal year" means the period from the 1st day of April in one year to the 31st day of March in the next year;
- (e) "minister" means a member of the Executive Council;
- (f) "ministry" means a ministry of the Government of Ontario and includes a board, commission, authority, corporation and any other agency of the Government of Ontario;
- (g) "public money" means all money belonging to Ontario received or collected by the Treasurer or by any other public officer or by any person authorized to receive and collect such money and includes,

- (i) special funds of Ontario and the income and revenue therefrom,
- (ii) revenues of Ontario,
- (iii) money raised by way of loan by Ontario or received by Ontario through the issue and sale of securities, and
- (iv) money paid to Ontario for a special purpose;
- (h) “public officer” includes a minister and a person employed in a ministry;
- (i) “Treasurer” means the Treasurer of Ontario and Minister of Economics. 1972, c. 3, s. 1, *amended*.

Ministry  
established

**2.** There shall be a ministry of the public service to be known as the Ministry of Treasury and Economics. *New*.

Treasurer to  
have charge

**3.** The Treasurer shall preside over and have charge of the Ministry of Treasury and Economics and has power to act for and on behalf of the Ministry. 1972, c. 3, s. 1, *amended*.

Seal

**4.—(1)** The Lieutenant Governor in Council may authorize a seal for the Treasurer and prescribe its use on documents.

Mechanical  
reproduction  
of seal

**(2)** The seal may be reproduced by engraving, lithographing, printing or any other method of mechanical reproduction, and when so reproduced has the same force and effect as if manually affixed. 1973, c. 33, s. 1.

Duties of  
Treasurer

**5.—(1)** The Treasurer shall direct and control the Ministry of Treasury and Economics, recommend to the Executive Council finance, economic, accounting and taxation policy, supervise, direct and control all finance, economic, statistical and accounting functions and manage the Consolidated Revenue Fund and all public money.

Administra-  
tion of Acts

**(2)** The Treasurer is responsible for the administration of this Act, the Acts set out in Schedule 1 and the Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council. 1972, c. 3, s. 4, *amended*.

Deputy  
Treasurer

**6.—(1)** The Lieutenant Governor in Council shall appoint a Deputy Treasurer of Ontario and Deputy Minister of Economics who shall be the deputy head of the Ministry of Treasury and Economics.

(2) Under the direction of the Treasurer, the Deputy Treasurer shall perform such duties as the Treasurer may assign or delegate to him. Duties of Deputy Treasurer

(3) Any power or duty conferred on the Treasurer by this or any other Act may be delegated by him, in writing, subject to such limitations, conditions and requirements as the Treasurer may set out in the delegation, to the Deputy Treasurer or to any officer of the Ministry of Treasury and Economics who may act for him in his place and stead, and when the Deputy Treasurer or such other officer acts in the place and stead of the Treasurer, it shall be presumed conclusively that he acted in accordance with such delegation. 1972, c. 3, s. 5, *amended*. Delegation of powers and duties of Treasurer

(4) Notwithstanding *The Executive Council Act*, a contract or an agreement made by a person empowered to do so under subsection 3 has the same effect as if made and signed by the Treasurer. *New*. Effect of R.S.O. 1970, c. 153

7.—(1) No action or other proceeding for damages shall be instituted against the Deputy Treasurer or any officer or employee of the Ministry or anyone acting under his authority for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty. Protection from personal liability

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 1 to which it would otherwise be subject, and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. *New*. Idem R.S.O. 1970, c. 365

8. The responsibility for the conduct of the financial business of each ministry shall rest with the head of the ministry, and the accounts, before being recommended to the Treasurer for payment, shall be checked and examined in detail and certified as correct in every respect and allowed and passed by the proper officers of the ministry. 1972, c. 3, s. 8. Responsibility with head of ministry

9.—(1) The certificate or order of the Attorney General or Deputy Attorney General that a sum of money is required to be paid out of the Consolidated Revenue Fund on account of the investigation, detection or punishment of any offence against the laws of Ontario or of Canada, or on account of special services or disbursements in connection with inquests, or any purpose connected with the administration of justice Payment for special cases

in either civil or criminal matters, is sufficient authority for the issuing of a cheque by the Treasurer for the amount named in the certificate or order, and the officer or other person to whom the cheque is issued shall account to the Attorney General for the proper disbursement of the amount received by such officer or other person.

Certificate  
of Attorney  
General or  
Deputy  
Attorney  
General

(2) The certificate of the Attorney General or Deputy Attorney General that any moneys received by any officer or other person under this section have been duly accounted for is final and conclusive and the account shall not be subject to any further examination. 1972, c. 3, s. 9.

Issue of  
cheques  
may be  
withheld

**10.**—(1) The Treasurer may withhold the issue of a cheque for the payment of public money if he has reason to believe that there is no authority for the payment.

Reference to  
Management  
Board of  
Cabinet

(2) When the issue of a cheque has been withheld under subsection 1, the Treasurer or the minister responsible may refer the matter to the Management Board of Cabinet for determination. 1972, c. 3, s. 10.

Information  
and access  
to records

**11.** Every ministry of the public service shall furnish the Treasurer with such information regarding its powers, duties, activities, organization, financial transactions and methods of business as he from time to time requires, and the Treasurer shall have access to all books, accounts, financial records, reports, files and other papers, things or property belonging to or in use by the ministry and shall be afforded every facility for verifying transactions with the balances or securities held by depositaries, fiscal agents or custodians. 1972, c. 3, s. 11.

Fiscal  
year

**12.**—(1) The Public Accounts shall cover the fiscal year.

Estimates

(2) All estimates submitted to the Legislature shall be for expenditures coming in course of payment during the fiscal year.

Lapse of  
appro-  
priations

(3) All balances of appropriations that remain unexpended at the end of a fiscal year shall lapse, except that during the period of thirty days next following the end of such fiscal year there may be paid out of any appropriation an amount not exceeding the unexpended balance of the appropriation for the purpose of discharging any debt that was incurred during such fiscal year, and the expenditure may be charged in the accounts of such fiscal year, but any debts that remain unpaid at the end of the period of thirty days next following the end of such fiscal year shall be paid out of the appropriation for the ensuing fiscal year. 1972, c. 3, s. 12.



**13.** The Public Accounts for each fiscal year shall be prepared under the direction of the Treasurer and shall be delivered to the Lieutenant Governor in Council and laid before the Assembly not later than the tenth day of the first session held in the following calendar year. 1972, c. 3, s. 13, *amended*. Preparation of Public Accounts

**14.** Notwithstanding anything in this Act, whenever the Assembly has concurred in the report of the Committee of Supply recommending the passing of any estimates, the Lieutenant Governor in Council may authorize the payment of any items of expenditure so concurred in. 1972, c. 3, s. 14. Payments authorized by Assembly

**15.** Every person who is to examine the accounts or inquire into the affairs of any ministry pursuant to this Act shall be required to comply with any security requirements applicable to, and to take any oath of secrecy required to be taken by, persons employed in that ministry. 1972, c. 3, s. 15. Oath of secrecy

**16.—(1)** A reference to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs in any Act listed in Schedule 1 or in any regulation made under such Act shall be deemed to be a reference to the Treasurer of Ontario and Minister of Economics, so long as the Treasurer administers such Act. References to Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

**(2)** A reference to the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs in any contract, order in council, security or other document being of a finance, economic, taxation, statistical or accounting nature shall be deemed to be a reference to the Treasurer of Ontario and Minister of Economics. Idem

**(3)** A reference to, Idem

**(a)** the Treasurer of Ontario in any Act or regulation; and

**(b)** the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs in any Act listed in Schedule 2 or in any regulation made under any such Act,

shall be deemed to be a reference to the Treasurer of Ontario and Minister of Economics.

**(4)** A reference to the Department of Treasury and Economics in any Act or regulation or a reference to the Ministry of Treasury, Economics and Intergovernmental Affairs References to Ministry of Treasury, Economics and Intergovernmental Affairs



Affairs in any Act listed in Schedule 1 or 2 or in any regulation made under such Act or in any contract, order in council, security or other document described in subsection 2 shall be deemed to be a reference to the Ministry of Treasury and Economics. 1972, c. 3, s. 17, *amended*.

Power to  
amend  
Schedules  
1 and 2

**17.** The Lieutenant Governor in Council may by order amend Schedules 1 and 2. *New*.

Repeals

**18.** The following are repealed:

1. *The Ministry of Treasury, Economics and Intergovernmental Affairs Act, 1972*, being chapter 3.
2. *The Ministry of Treasury, Economics and Intergovernmental Affairs Amendment Act, 1973*, being chapter 33.
3. *The Ministry of Treasury, Economics and Intergovernmental Affairs Amendment Act, 1973 (No. 2)*, being chapter 169.

Commence-  
ment

**19.** This Act shall be deemed to have come into force on the 16th day of August, 1978.

Short title

**20.** The short title of this Act is *The Ministry of Treasury and Economics Act, 1978*.

## SCHEDULE 1

*The Agricultural Development Repeal Act, 1973*

*The Audit Act, 1977*

*The Farm Loans Act*

*The Farm Loans Adjustment Act*

*The Financial Administration Act*

*The Gold Clauses Act*

*The Ontario Economic Council Act*

*The Ontario Education Capital Aid Corporation Act*

*The Ontario Guaranteed Annual Income Act, 1974*

*The Ontario Loan Act*

*The Ontario Municipal Employees Retirement System Act*

*The Ontario Municipal Improvement Corporation Act*

*The Ontario Planning and Development Act, 1973*

*The Ontario Universities Capital Aid Corporation Act*

*The Ontario Youth Employment Act, 1977*

*The Parkway Belt Planning and Development Act, 1973*

*The Statistics Act*

*The Supply Act*

*The Venture Investment Corporations Registration Act, 1977*

## SCHEDULE 2

*The Corporations Tax Act, 1972*

*The Development Corporations Act, 1973*

*The Farm Income Stabilization Act, 1976*

*The Gasoline Tax Act, 1973*

*The Gift Tax Act, 1972*

*The Health Insurance Act, 1972*

*The Housing Development Act*

*The Income Tax Act*

*The Insurance Act*

*The Land Speculation Tax Act, 1974*

*The Land Transfer Tax Act, 1974*

*The Legislative Assembly Retirement Allowances Act, 1973*

*The Motor Vehicle Fuel Tax Act*

*The Ontario Deposit Insurance Corporation Act*

*The Ontario Energy Corporation Act, 1974*

*The Ontario Housing Corporation Act*

*The Ontario Land Corporation Act, 1974*

*The Ontario Lottery Corporation Act, 1974*

*The Ontario Telephone Development Act*

*The Ontario Transportation Development Corporation Act, 1973*

*The Power Corporation Act*

*The Proceedings Against the Crown Act*

*The Public Service Act*

*The Public Service Superannuation Act*

*The Race Tracks Tax Act*

*The Retail Sales Tax Act*

*The Rural Housing Assistance Act*

*The Succession Duty Act*

*The Superannuation Adjustment Benefits Act, 1975*

*The Teachers' Superannuation Act*

*The Tobacco Tax Act*



An Act to establish the  
Ministry of Treasury and Economics

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*1st Reading*

October 23rd, 1978

*2nd Reading*

*3rd Reading*

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THE HON. F. S. MILLER  
Treasurer of Ontario and Minister  
of Economics

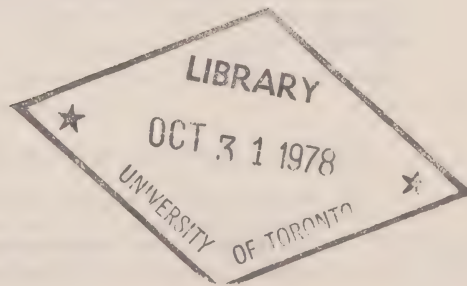
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*(Government Bill)*

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend  
The Municipal Elections Act, 1977**

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



s. 120,  
amended

3. Section 120 of the said Act is amended by adding thereto the following subsection:

References  
to time

(2) For the purpose of any proceedings under this Act, so long as the time commonly observed in the municipality or locality where the proceedings take place is one hour in advance of standard time, the time mentioned in this Act shall be reckoned in accordance with the time so commonly observed and not standard time.

Commence-  
ment

4. This Act shall be deemed to have come into force on the 1st day of January, 1978.

Short title

5. The short title of this Act is *The Municipal Elections Amendment Act, 1978*.



SECTION 3. The new subsection makes it clear that references to time in the Act mean the local time observed in the area where the proceedings take place.





An Act to amend  
The Municipal Elections Act, 1977

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*1st Reading*

October 23rd, 1978

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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(*Government Bill*)

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

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**An Act to amend  
The Municipal Elections Act, 1977**

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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*(Reprinted as amended by the Committee of the Whole House)*



## EXPLANATORY NOTES

SECTION 1. Subsection 5 of section 37, as proposed to be re-enacted, is set out below showing underlined the significant changes from the subsection as it now reads:

- (5) *Where, at 5 o'clock in the afternoon of the day following nomination day, the number of candidates who have been nominated for an office and have not withdrawn under subsection 1 of section 39 is not sufficient to fill the number of vacancies to which candidates may be elected, subsection 1 of section 40 respecting acclamation applies to those candidates, but additional nominations for the remaining vacancies in the office in respect of which there was an insufficient number of candidates may be filed in the office of the clerk on the Wednesday following nomination day between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon and the provisions of subsection 4 apply, with the necessary modifications, as though the additional nomination papers had been filed on nomination day.*

Subsection 1 of section 39 permits a person who has been nominated to withdraw not later than 5 o'clock in the afternoon of the day following nomination day.

SECTION 2. Subsection 7 of section 46 now reads as follows:

- (7) *In municipalities having more than 5,000 electors, the clerk shall mail or cause to be delivered to each dwelling unit in the municipality a notice advising the elector or electors therein of the location of the polling place in which that elector or those electors is or are to vote.*

The proposed re-enactment distinguishes between resident and non-resident electors: in the case of the former, the notice of the location of the polling place may be either delivered or mailed; in the case of the latter, it need only be mailed.

## An Act to amend The Municipal Elections Act, 1977

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 37 of *The Municipal Elections Act, 1977*,  
being chapter 62, as re-enacted by the Statutes of Ontario,  
1978, chapter 12, section 3, is repealed and the following  
substituted therefor: s. 37 (5).  
re-enacted

(5) Where, at 5 o'clock in the afternoon of the day following nomination day, the number of candidates who have been nominated for an office and have not withdrawn under subsection 1 of section 39 is not sufficient to fill the number of vacancies to which candidates may be elected, subsection 1 of section 40 respecting acclamation applies to those candidates, but additional nominations for the remaining vacancies in the office in respect of which there was an insufficient number of candidates may be filed in the office of the clerk on the Wednesday following nomination day between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon and the provisions of subsection 4 apply, with the necessary modifications, as though the additional nomination papers had been filed on nomination day. Where  
number of  
candidates  
nominated  
insufficient

2. Subsection 7 of section 46 of the said Act is repealed and the following substituted therefor: s. 46 (7).  
re-enacted

(7) In municipalities having more than 5,000 electors, the clerk shall advise each elector of the location of the polling place in which that elector is to vote, Notice of  
location of  
polling  
place

- (a) in the case of a resident elector, by mailing or causing to be delivered to the elector a notice of the location of such polling place; and
- (b) in the case of a non-resident elector, by mailing to the elector a notice of the location of such polling place.



s. 120,  
amended

- 3.** Section 120 of the said Act is amended by adding thereto the following subsection:

References  
to time

(2) For the purpose of any proceedings under this Act, so long as the time commonly observed in the municipality or locality where the proceedings take place is one hour in advance of standard time, the time mentioned in this Act shall be reckoned in accordance with the time so commonly observed and not standard time.

Saving

1977, c. 62

- 4.** Notwithstanding this Act, where in any municipality or locality proceedings in respect of the regular election in 1978 were taken in accordance with *The Municipal Elections Act, 1977* as it existed on the 24th day of April, 1978, the proceedings shall be deemed not to be invalidated by reason only of the fact the proceedings were not taken in accordance with *The Municipal Elections Act, 1977*, as amended by sections 1, 2 and 3 of this Act.

Commence-  
ment

- 5.—**(1) This Act, except sections 1, 2 and 3, comes into force on the day it receives Royal Assent.



Idem

(2) Sections 1, 2 and 3 shall be deemed to have come into force on the 25th day of April, 1978.

Short title

- 6.** The short title of this Act is *The Municipal Elections Amendment Act, 1978*.

SECTION 3. The new subsection makes it clear that references to time in the Act mean the local time observed in the area where the proceedings take place.

 SECTION 4. This section is necessary because in some municipalities and localities proceedings may have been completed in accordance with the Act as it read on the 24th day of April, 1978. Such proceedings would be open to challenge without this section because of the retroactive operation of sections 1 to 3 of this Bill. 







BILL 143

1978

## An Act to amend The Municipal Elections Act, 1977

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 37 of *The Municipal Elections Act, 1977*,<sup>s. 37 (5), re-enacted</sup> being chapter 62, as re-enacted by the Statutes of Ontario, 1978, chapter 12, section 3, is repealed and the following substituted therefor:

(5) Where, at 5 o'clock in the afternoon of the day following nomination day, the number of candidates who have been nominated for an office and have not withdrawn under subsection 1 of section 39 is not sufficient to fill the number of vacancies to which candidates may be elected, subsection 1 of section 40 respecting acclamation applies to those candidates, but additional nominations for the remaining vacancies in the office in respect of which there was an insufficient number of candidates may be filed in the office of the clerk on the Wednesday following nomination day between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon and the provisions of subsection 4 apply, with the necessary modifications, as though the additional nomination papers had been filed on nomination day.

Where  
number of  
candidates  
nominated  
insufficient

2. Subsection 7 of section 46 of the said Act is repealed and the following substituted therefor:<sup>s. 46 (7), re-enacted</sup>

(7) In municipalities having more than 5,000 electors, the clerk shall advise each elector of the location of the polling place in which that elector is to vote,

Notice of  
location of  
polling  
place

- (a) in the case of a resident elector, by mailing or causing to be delivered to the elector a notice of the location of such polling place; and
- (b) in the case of a non-resident elector, by mailing to the elector a notice of the location of such polling place.

s. 120,  
amended

3. Section 120 of the said Act is amended by adding thereto the following subsection:

References  
to time

(2) For the purpose of any proceedings under this Act, so long as the time commonly observed in the municipality or locality where the proceedings take place is one hour in advance of standard time, the time mentioned in this Act shall be reckoned in accordance with the time so commonly observed and not standard time.

Saving

1977, c. 62

4. Notwithstanding this Act, where in any municipality or locality proceedings in respect of the regular election in 1978 were taken in accordance with *The Municipal Elections Act, 1977* as it existed on the 24th day of April, 1978, the proceedings shall be deemed not to be invalidated by reason only of the fact the proceedings were not taken in accordance with *The Municipal Elections Act, 1977*, as amended by sections 1, 2 and 3 of this Act.

Commence-  
ment

- 5.—(1) This Act, except sections 1, 2 and 3, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1, 2 and 3 shall be deemed to have come into force on the 25th day of April, 1978.

Short title

6. The short title of this Act is *The Municipal Elections Amendment Act, 1978*.









An Act to amend  
The Municipal Elections Act, 1977

---

*1st Reading*

October 23rd, 1978

*2nd Reading*

October 24th, 1978

*3rd Reading*

October 24th, 1978

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend  
The City of Hazeldean-March Act, 1978**

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs



## EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2.—Subsection 1. This subsection corrects an error in the legal description of the City.

Subsection 2. Self-explanatory.

SECTION 3. Self-explanatory.

SECTIONS 4, 5, 6. These amendments are made as the result of the addition of the interpretation provisions in the new section 1.

SECTION 7. The proposed section 6a contains transition provisions related to employment and employee benefits of the employees of the City and its local boards.

The proposed section 6b constitutes the City as a subsidiary planning area and adjusts the boundaries of the former subsidiary planning areas.

The proposed section 6c continues the by-laws of the townships in the areas amalgamated into the City until the City amends or repeals those by-laws.

The proposed section 6d continues existing speed limits.

The proposed section 6e continues the present system of distribution for electrical power and energy.

The proposed section 6f provides for the continuation of municipal services during December of 1978, establishes the date of commencement of the first fiscal year of the City and provides the Minister with the power to determine outstanding fiscal matters.

The proposed section 6g gives the Minister the power to dissolve the existing library board in the Township of March and establishes a new library board for the City.

The proposed section 6h deems the council of the City to be a recreation committee under *The Ministry of Culture and Recreation Act, 1974* a committee of management of a community recreation centre under *The Community Recreation Centres Act, 1974* and a board of park management under *The Public Parks Act*.

The proposed section 6i provides the Lieutenant Governor in Council with the power to deal with miscellaneous matters not provided for in the Act.

## An Act to amend The City of Hazeldean-March Act, 1978

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The City of Hazeldean-March Act, 1978*, being chapter 55, is amended by renumbering section 1 as section 1a and by adding thereto the following section: s. 1.  
renumbered

1. In this Act,

Interpre-  
tation

(a) "City" means the City of Hazeldean-March as established by this Act;

(b) "Minister" means the Minister of Intergovernmental Affairs.

- 2.—(1) Section 1a of the said Act, as renumbered by section 1, is amended by striking out "27" in the twenty-seventh line and inserting in lieu thereof "26". s. 1a.  
amended

- (2) The said section 1a is further amended by adding thereto the following subsection: s. 1a.  
amended

(2) The Hope Sideroad shall be deemed not to be a boundary road. Hope  
Sideroad  
not a  
boundary  
road

3. The said Act is further amended by adding thereto the following section: s. 1b.  
enacted

1b. The City shall be an area municipality for every purpose of *The Regional Municipality of Ottawa-Carleton Act*. City  
deemed area  
municipality  
R.S.O. 1970,  
c. 407

4. Section 3 of the said Act is amended by striking out "of Hazeldean-March" in the second line and in the seventh and eighth lines. s. 3.  
amended

5. Section 4 of the said Act is amended by striking out "of Hazeldean-March" in the second line. s. 4.  
amended



s. 5,  
amended

6. Section 5 of the said Act is amended by striking out "of Hazeldean-March" in the first and second lines.

ss. 6a-6h,  
enacted

7. The said Act is further amended by adding thereto the following sections:

Pensions

6a.—(1) Where the City or a local board thereof employs a person theretofore employed by the Township of March, the Township of Goulbourn or the Township of Nepean or a local board of those townships, the City or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 1st day of December, 1978, in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the City or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Sick leave  
credits

(2) Every employee of the Township of March, the Township of Goulbourn, the Township of Nepean or any local board of those townships who becomes an employee of the City or a local board thereof prior to the 1st day of December, 1979 shall be entitled to have placed to his credit in the sick leave credit plan which shall be established by the City or local board thereof the sick leave credits standing to his credit in the sick leave credit plan of the township or local board thereof by which he was formerly employed.

Holiday  
pay

(3) Every employee of the Township of March, the Township of Goulbourn, the Township of Nepean, or any local board of those townships who becomes an employee of the City or a local board thereof prior to the 1st day of December, 1979 shall be entitled to receive during his first year of employment with the City or local board thereof holidays with pay equivalent to those to which he would have been entitled in the township or local board thereof by which he was formerly employed.

Offer of  
employment

(4) The City shall offer to employ every person who, on the 23rd day of June, 1978, was employed by the Township of March or any local board thereof and who is so employed on the 30th day of November, 1978.

Idem

(5) The City shall offer to employ every person who, on the 23rd day of June, 1978, was employed by either the Township of Goulbourn or the Township of Nepean or any local board of those townships whose functions become the

functions of the City or a local board thereof and who is so employed on the 30th day of November, 1978.

(6) Any person who accepts employment under subsection 4 or 5 shall be entitled to receive a wage or salary up to and including the expiry of a period of one year of the commencement of his employment with the City, of not less than he was receiving on the 23rd day of June, 1978.

(7) The City shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*.

Application  
of  
R.S.O. 1970,  
c. 324

(8) Where under this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights, sick leave credits, or holiday entitlements or with regard to other matters related to employment, the Minister may by order do anything necessary to remedy or alleviate any such difficulty or hardship.

Minister's  
orders re  
employee  
benefits

(9) Nothing in this section prevents the City or a local board thereof from terminating the employment of an employee for cause.

Termination  
of  
employment  
for cause

6b.—(1) The City is constituted as a subsidiary planning area effective the 1st day of December, 1978, and the council thereof shall have all the powers of a planning board under *The Planning Act* and the council shall not be required to constitute a separate meeting as a planning board to implement any of the purposes or undertake the powers and duties of a planning board under *The Planning Act*.

City  
constituted  
subsidiary  
planning area  
R.S.O. 1970,  
c. 349

(2) Notwithstanding the provisions of any other Act, the boundaries of the subsidiary planning areas constituted for the Township of Goulbourn and the Township of Nepean are hereby adjusted in accordance with the boundaries of the subsidiary planning area established under subsection 1.

Adjustment  
of existing  
subsidiary  
planning  
area  
boundaries

6c.—(1) Every by-law of the Township of March, the Township of Goulbourn and the Township of Nepean as it exists on the 30th day of November, 1978, shall remain in force in the areas of such townships which form part of the City, and may be amended or repealed by the council of the City in so far as such by-law affects the City.

Continuation  
of by-laws

(2) Where the Township of March, the Township of Goulbourn or the Township of Nepean has commenced procedures to enact any by-law which, prior to its enactment, requires the approval of any minister of the Crown, any

Idem

provincial ministry, the Ontario Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 1st day of December, 1978, then the council of the City shall be entitled to continue the procedure to finalize such by-law of the township in so far as it pertains to the City.

Existing  
speed  
limits  
continued  
R.S.O. 1970,  
c. 202

6d.—(1) Subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act*, the City shall be deemed to be a township municipality.

By-laws of  
Regional  
Council and  
City council

(2) Notwithstanding subsection 1, the council of The Regional Municipality of Ottawa-Carleton and the council of the City may exercise any of their powers under section 82 of *The Highway Traffic Act* in respect of highways under their jurisdiction and control.

Idem

(3) Every by-law in force in the City under any provision of section 82 of *The Highway Traffic Act* that applies on the 30th day of November, 1978, to any highway or portion thereof in the City, shall continue to apply until a by-law passed by the council of The Regional Municipality of Ottawa-Carleton, or the council of the City, under the said section 82 applies thereto.

Idem

(4) Consolidation of any by-laws in which the provisions of section 82 of *The Highway Traffic Act* are incorporated, without amendment, shall be deemed not to be affected by subsection 3.

Distribution  
of electrical  
power

6e. Until a date to be determined by the order of the Minister, The Hydro-Electric Commission of the Township of Nepean shall continue to provide electrical power and energy to that area of the Township of Nepean amalgamated with the City.

Continuation  
of municipal  
services

6f.—(1) For the period from the 1st day of December, 1978 to the 31st day of December, 1978,

(a) the City shall be responsible for the provision of all municipal services to the former Township of March and the budget of the former Township of March, established for the year 1978, shall be deemed to be the budget of the City until the 31st day of December, 1978, and the City shall accept the fiscal responsibilities of the former Township of March related to such period;

- (b) the City shall be responsible at its own expense for fire services to the entire City;
- (c) the Township of Goulbourn shall, with the exception of fire services, be responsible at its own expense for the provision of all municipal services to the area of that township amalgamated with the City; and
- (d) the Township of Nepean shall, with the exception of fire and police services, be responsible at its own expense for the provision of all municipal services to the area of that township amalgamated with the City.

(2) The first fiscal year of the City shall commence on the 1st day of January, 1979.

First  
fiscal  
year

(3) The Minister may, by order, determine all outstanding fiscal matters in relation to the establishment of the City that are not provided for in the report of the referee appointed by the Ontario Municipal Board, and, during the five-year period commencing on the 1st day of January, 1979, provide for the levying of rates of taxation in any area or areas of the City that are different from the rates that would have been required to be levied and the Minister may make all such provisions for transitional adjustments as may be necessary.

Transitional  
adjustments

6g. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the dissolution of the Public Library Board of the Township of March and the establishment of a public library board in the City.

Library  
board  
R.S.O. 1970,  
c. 381

6h. The council of the City shall be deemed to be a recreation committee under *The Ministry of Culture and Recreation Act*, 1974, a committee of management of a community recreation centre under *The Community Recreation Centres Act*, 1974, and a board of park management under *The Public Parks Act* and the council shall not appoint any separate recreation committee, committee of management of a community recreation centre or board of park management under the said Acts.

Council  
deemed  
recreation  
committee,  
etc.,  
1974, c. 120  
1974, c. 80  
R.S.O. 1970,  
c. 384

6i. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act.

Miscellaneous  
matters

Commence-  
ment

- 8.** This Act shall be deemed to have come into force on the 23rd day of June, 1978.

Short title

- 9.** The short title of this Act is *The City of Hazeldean-March Amendment Act, 1978*.











An Act to amend  
The City of Hazeldean-March Act, 1978

---

*1st Reading*

October 23rd, 1978

*2nd Reading*

*3rd Reading*

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THE HON. T. L. WELLS  
Minister of Intergovernmental  
Affairs

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*(Government Bill)*

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

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**An Act to amend  
The City of Hazeldean-March Act, 1978**

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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## An Act to amend The City of Hazeldean-March Act, 1978

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The City of Hazeldean-March Act, 1978*, being chapter 55, is amended by renumbering section 1 as section 1*a* and by adding thereto the following section: s. 1,  
renumbered

1. In this Act,

Interpre-  
tation

(a) "City" means the City of Hazeldean-March as established by this Act;

(b) "Minister" means the Minister of Intergovernmental Affairs.

- 2.—(1) Section 1*a* of the said Act, as renumbered by section 1, is amended by striking out "27" in the twenty-seventh line and inserting in lieu thereof "26". s. 1*a*,  
amended

- (2) The said section 1*a* is further amended by adding thereto the following subsection: s. 1*a*,  
amended

(2) The Hope Sideroad shall be deemed not to be a boundary road. Hope  
Sideroad  
not a  
boundary  
road

3. The said Act is further amended by adding thereto the following section: s. 1*b*,  
enacted

1*b*. The City shall be an area municipality for every purpose of *The Regional Municipality of Ottawa-Carleton Act*. City  
deemed area  
municipality  
R.S.O. 1970,  
c. 407

4. Section 3 of the said Act is amended by striking out "of Hazeldean-March" in the second line and in the seventh and eighth lines. s. 3,  
amended

5. Section 4 of the said Act is amended by striking out "of Hazeldean-March" in the second line. s. 4,  
amended

s. 5,  
amended

6. Section 5 of the said Act is amended by striking out "of Hazeldean-March" in the first and second lines.

ss. 6a-6h,  
enacted

7. The said Act is further amended by adding thereto the following sections:

Pensions

6a.—(1) Where the City or a local board thereof employs a person theretofore employed by the Township of March, the Township of Goulbourn or the Township of Nepean or a local board of those townships, the City or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 1st day of December, 1978, in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the City or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Sick leave  
credits

(2) Every employee of the Township of March, the Township of Goulbourn, the Township of Nepean or any local board of those townships who becomes an employee of the City or a local board thereof prior to the 1st day of December, 1979 shall be entitled to have placed to his credit in the sick leave credit plan which shall be established by the City or local board thereof the sick leave credits standing to his credit in the sick leave credit plan of the township or local board thereof by which he was formerly employed.

Holiday  
pay

(3) Every employee of the Township of March, the Township of Goulbourn, the Township of Nepean, or any local board of those townships who becomes an employee of the City or a local board thereof prior to the 1st day of December, 1979 shall be entitled to receive during his first year of employment with the City or local board thereof holidays with pay equivalent to those to which he would have been entitled in the township or local board thereof by which he was formerly employed.

Offer of  
employment

(4) The City shall offer to employ every person who, on the 23rd day of June, 1978, was employed by the Township of March or any local board thereof and who is so employed on the 30th day of November, 1978.

Idem

(5) The City shall offer to employ every person who, on the 23rd day of June, 1978, was employed by either the Township of Goulbourn or the Township of Nepean or any local board of those townships whose functions become the

functions of the City or a local board thereof and who is so employed on the 30th day of November, 1978.

(6) Any person who accepts employment under subsection 4 or 5 shall be entitled to receive a wage or salary up to and including the expiry of a period of one year of the commencement of his employment with the City, of not less than he was receiving on the 23rd day of June, 1978.

(7) The City shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act*. Application of R.S.O. 1970, c. 324

(8) Where under this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights, sick leave credits, or holiday entitlements or with regard to other matters related to employment, the Minister may by order do anything necessary to remedy or alleviate any such difficulty or hardship. Minister's orders re employee benefits

(9) Nothing in this section prevents the City or a local board thereof from terminating the employment of an employee for cause. Termination of employment for cause

6b.—(1) The City is constituted as a subsidiary planning area effective the 1st day of December, 1978, and the council thereof shall have all the powers of a planning board under *The Planning Act* and the council shall not be required to constitute a separate meeting as a planning board to implement any of the purposes or undertake the powers and duties of a planning board under *The Planning Act*. City constituted subsidiary planning area R.S.O. 1970, c. 349

(2) Notwithstanding the provisions of any other Act, the boundaries of the subsidiary planning areas constituted for the Township of Goulbourn and the Township of Nepean are hereby adjusted in accordance with the boundaries of the subsidiary planning area established under subsection 1. Adjustment of existing subsidiary planning area boundaries

6c.—(1) Every by-law of the Township of March, the Township of Goulbourn and the Township of Nepean as it exists on the 30th day of November, 1978, shall remain in force in the areas of such townships which form part of the City, and may be amended or repealed by the council of the City in so far as such by-law affects the City. Continuation of by-laws

(2) Where the Township of March, the Township of Goulbourn or the Township of Nepean has commenced procedures to enact any by-law which, prior to its enactment, requires the approval of any minister of the Crown, any Idem



provincial ministry, the Ontario Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 1st day of December, 1978, then the council of the City shall be entitled to continue the procedure to finalize such by-law of the township in so far as it pertains to the City.

Existing  
speed  
limits  
continued  
R.S.O. 1970,  
c. 202

6d.—(1) Subject to subsections 2 and 3, for the purposes of section 82 of *The Highway Traffic Act*, the City shall be deemed to be a township municipality.

By-laws of  
Regional  
Council and  
City council

(2) Notwithstanding subsection 1, the council of The Regional Municipality of Ottawa-Carleton and the council of the City may exercise any of their powers under section 82 of *The Highway Traffic Act* in respect of highways under their jurisdiction and control.

Idem

(3) Every by-law in force in the City under any provision of section 82 of *The Highway Traffic Act* that applies on the 30th day of November, 1978, to any highway or portion thereof in the City, shall continue to apply until a by-law passed by the council of The Regional Municipality of Ottawa-Carleton, or the council of the City, under the said section 82 applies thereto.

Idem

(4) Consolidation of any by-laws in which the provisions of section 82 of *The Highway Traffic Act* are incorporated, without amendment, shall be deemed not to be affected by subsection 3.

Distribution  
of electrical  
power

6e. Until a date to be determined by the order of the Minister, The Hydro-Electric Commission of the Township of Nepean shall continue to provide electrical power and energy to that area of the Township of Nepean amalgamated with the City.

Continuation  
of municipal  
services

6f.—(1) For the period from the 1st day of December, 1978 to the 31st day of December, 1978,

- (a) the City shall be responsible for the provision of all municipal services to the former Township of March and the budget of the former Township of March, established for the year 1978, shall be deemed to be the budget of the City until the 31st day of December, 1978, and the City shall accept the fiscal responsibilities of the former Township of March related to such period;

- (b) the City shall be responsible at its own expense for fire services to the entire City;
- (c) the Township of Goulbourn shall, with the exception of fire services, be responsible at its own expense for the provision of all municipal services to the area of that township amalgamated with the City; and
- (d) the Township of Nepean shall, with the exception of fire and police services, be responsible at its own expense for the provision of all municipal services to the area of that township amalgamated with the City.

(2) The first fiscal year of the City shall commence on the 1st day of January, 1979. First  
fiscal  
year

(3) The Minister may, by order, determine all outstanding fiscal matters in relation to the establishment of the City that are not provided for in the report of the referee appointed by the Ontario Municipal Board, and, during the five-year period commencing on the 1st day of January, 1979, provide for the levying of rates of taxation in any area or areas of the City that are different from the rates that would have been required to be levied and the Minister may make all such provisions for transitional adjustments as may be necessary. Transitional  
adjustments

6g. Notwithstanding the provisions of *The Public Libraries Act*, the Minister may by order provide for the dissolution of the Public Library Board of the Township of March and the establishment of a public library board in the City. Library  
board  
R.S.O. 1970,  
c. 381

6h. The council of the City shall be deemed to be a recreation committee under *The Ministry of Culture and Recreation Act*, 1974, a committee of management of a community recreation centre under *The Community Recreation Centres Act*, 1974, and a board of park management under *The Public Parks Act* and the council shall not appoint any separate recreation committee, committee of management of a community recreation centre or board of park management under the said Acts. Council  
deemed  
recreation  
committee,  
etc.,  
1974, c. 120  
1974, c. 80  
R.S.O. 1970,  
c. 384

6i. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act. Miscellaneous  
matters

Commence-  
ment

- 8.** This Act shall be deemed to have come into force on the 23rd day of June, 1978.

Short title

- 9.** The short title of this Act is *The City of Hazeldean-March Amendment Act, 1978*.







An Act to amend  
The City of Hazeldean-March Act, 1978

---

*1st Reading*

October 23rd, 1978

*2nd Reading*

October 24th, 1978

*3rd Reading*

October 24th, 1978

---

THE HON. T. L. WELLS  
Minister of Intergovernmental  
Affairs

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3  
17 **BILL 145**

**Government Bill**

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

*Enacted into Law*

**An Act to amend  
The Regional Municipality of Niagara Act**

THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs




TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTES

SECTION 1. The proposed new section 7 (1) increases the size of the Regional Council from twenty-nine to thirty members and section 7 (1) (b) increases the number of members of the Regional Council elected by the electors of the City of St. Catharines from five to six members.



SECTION 2. The proposed new section 11 (1) increases the quorum requirements from fifteen to sixteen members.

BILL 145

1978

## An Act to amend The Regional Municipality of Niagara Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 7 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(1) The Regional Council shall consist of thirty members composed of a chairman and, Composition  
of Regional  
Council

- (a) the head of the council of each area municipality;
- (b) six members elected by general vote of the electors of the area municipality of the City of St. Catharines;
- (c) three members elected by general vote of the electors of the area municipality of the City of Niagara Falls;
- (d) two members elected by general vote of the electors of the area municipality of the City of Welland;
- (e) one member elected respectively by general vote of the electors of each of the area municipalities of the Town of Lincoln, the Town of Fort Erie, the Town of Grimsby, the Town of Niagara-on-the-Lake, the City of Port Colborne and the Town of Thorold.

2. Subsection 1 of section 11 of the said Act is repealed and the following substituted therefor: s. 11 (1),  
re-enacted

(1) Sixteen members of the Regional Council representing at least six area municipalities are necessary to form a Quorum  
voting

quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

- |                           |   |
|---------------------------|---|
| Application               | 3.—(1) This section applies only to the election of members of the Regional Council to be elected by the electors of the area municipality of the City of St. Catharines in the regular election to be held in 1978.  |
| Idem<br>1977, c. 62       | (2) Except as provided in this section, <i>The Municipal Elections Act, 1977</i> applies, with necessary modifications, to the regular election to be held in 1978 of members of the Regional Council to be elected by the electors of the City.  |
| Nomination<br>day changed | (3) Notwithstanding subsection 1 of section 35 of <i>The Municipal Elections Act, 1977</i> , for the purposes of the regular election to be held in 1978 of members of the Regional Council to be elected by the electors of the City, the nomination day for such election shall be the 30th day of October, 1978.   |
| Notice                    | (4) Notwithstanding subsection 3 of section 35 of <i>The Municipal Elections Act, 1977</i> , not later than the 28th day of October, 1978, the clerk of the City shall post, in at least two conspicuous places in the City, notice of the date and times for filing and withdrawing nominations for the offices to which this section applies and of the number of members to be elected to the Regional Council by the electors of the City at the regular election to be held in the year 1978, and such notice shall be published not later than the 28th day of October, 1978 in a newspaper having general circulation in the City. |
| Idem                      | (5) The posting and publishing of the notice referred to in subsection 4 shall be effective to vary the terms of any notice that may have been posted or published pursuant to subsection 3 of section 35 of <i>The Municipal Elections Act, 1977</i> prior to the coming into force of this Act.   |
| Prior<br>nominations      | (6) Nominations for the offices to which this section applies filed prior to the coming into force of this Act shall remain valid.  |
| Prior<br>acclamation      | (7) Any declaration made prior to the coming into force of this Act that a candidate has been declared to be elected to an office to which this section applies under subsection 1 or 2 of section 40 of <i>The Municipal Elections Act, 1977</i> is hereby declared to be of no effect.  |

SECTION 3. This section is necessary to amend procedures already commenced under *The Municipal Elections Act, 1977*, with respect to the 1978 elections of members to The Regional Council.

Subsections 1 to 5. Self-explanatory.

Subsection 6. Nominations must be filed with the municipal clerk within one week of nomination day under section 35 (2) of *The Municipal Elections Act, 1977*. Because of the change in nomination day under subsection 3, this subsection is necessary to validate nominations filed prior to the 23rd day of October, 1978.

Subsection 7. Under *The Municipal Elections Act, 1977*, persons who are nominated to an office for which insufficient nominations have been received would be declared elected to office after 5 o'clock in the afternoon on the day following nomination day. This subsection has the effect of nullifying such declarations made prior to this Act coming into force.

Subsection 8. This subsection provides a mechanism for a nominee to withdraw his nomination until 8 o'clock in the evening of the 30th day of October, 1978.

Subsections 9 and 10. Persons nominated under either section 36 (1) or section 37 (5) of *The Municipal Elections Act, 1977* to an office other than that of Regional Councillor are not eligible for nomination to the office of Regional Councillor.

Subsections 11 to 15. These subsections deal with acclamations and various matters related thereto.

- (8) Notwithstanding subsection 1 of section 39 of *The Municipal Elections Act, 1977*, a person nominated as a <sup>Withdrawal of nominations 1977, c. 62</sup> candidate for an office to which this section applies may withdraw his nomination in writing, verified by his affidavit and delivered to the clerk of the City before 8 o'clock in the evening of nomination day.
- (9) A person who has been nominated on or before the 23rd <sup>Eligibility</sup> day of October, 1978 for any office, other than an office to which this section applies, shall not be eligible for nomination for election to an office to which this section applies unless the person has withdrawn his nomination to such other office or offices by filing his withdrawal in writing with the clerk of the City in the clerk's office before 5 o'clock in the afternoon on the 24th day of October, 1978.
- (10) A person whose nomination is filed under subsection 5 <sup>Idem</sup> of section 37 of *The Municipal Elections Act, 1977* for any office other than an office to which this Act applies shall not be eligible for nomination to an office to which this section applies.
- (11) Notwithstanding subsection 1 of section 40 of *The Municipal Elections Act, 1977*, if no more candidates are nominated for an office to which this section applies at the end of nomination day than the number to be elected, the clerk of the City shall forthwith after 8 o'clock in the evening of nomination day declare those candidates duly elected. <sup>Acclamation</sup>
- (12) Notwithstanding subsection 5 of section 37 of *The Municipal Elections Act, 1977* where, at 8 o'clock in the evening of nomination day, the number of candidates who have been nominated for an office to which this section applies and who have not withdrawn under subsection 8 is not sufficient to fill the number of vacancies to which candidates may be elected, subsection 11 respecting acclamation applies to those candidates, but additional nominations for the remaining vacancies in the office in respect of which there was an insufficient number of candidates may be filed in the office of the clerk of the City on the 31st day of October, 1978 between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon and the provisions of subsection 4 of the said section 37 apply, with necessary modifications, as though the additional nomination papers had been filed on nomination day and no person so nominated may withdraw his nomination. <sup>Where number of candidates nominated insufficient</sup>









BILL 145

1978

## An Act to amend The Regional Municipality of Niagara Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 7 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(1) The Regional Council shall consist of thirty members composed of a chairman and,

Composition  
of Regional  
Council

- (a) the head of the council of each area municipality;
- (b) six members elected by general vote of the electors of the area municipality of the City of St. Catharines;
- (c) three members elected by general vote of the electors of the area municipality of the City of Niagara Falls;
- (d) two members elected by general vote of the electors of the area municipality of the City of Welland;
- (e) one member elected respectively by general vote of the electors of each of the area municipalities of the Town of Lincoln, the Town of Fort Erie, the Town of Grimsby, the Town of Niagara-on-the-Lake, the City of Port Colborne and the Town of Thorold.

2. Subsection 1 of section 11 of the said Act is repealed and the following substituted therefor:

s. 11 (1),  
re-enacted

(1) Sixteen members of the Regional Council representing at least six area municipalities are necessary to form a

Quorum  
voting

quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

- |                           |   |
|---------------------------|---|
| Application               | 3.—(1) This section applies only to the election of members of the Regional Council to be elected by the electors of the area municipality of the City of St. Catharines in the regular election to be held in 1978.  |
| Idem<br>1977, c. 62       | (2) Except as provided in this section, <i>The Municipal Elections Act, 1977</i> applies, with necessary modifications, to the regular election to be held in 1978 of members of the Regional Council to be elected by the electors of the City.  |
| Nomination<br>day changed | (3) Notwithstanding subsection 1 of section 35 of <i>The Municipal Elections Act, 1977</i> , for the purposes of the regular election to be held in 1978 of members of the Regional Council to be elected by the electors of the City, the nomination day for such election shall be the 30th day of October, 1978.   |
| Notice                    | (4) Notwithstanding subsection 3 of section 35 of <i>The Municipal Elections Act, 1977</i> , not later than the 28th day of October, 1978, the clerk of the City shall post, in at least two conspicuous places in the City, notice of the date and times for filing and withdrawing nominations for the offices to which this section applies and of the number of members to be elected to the Regional Council by the electors of the City at the regular election to be held in the year 1978, and such notice shall be published not later than the 28th day of October, 1978 in a newspaper having general circulation in the City. |
| Idem                      | (5) The posting and publishing of the notice referred to in subsection 4 shall be effective to vary the terms of any notice that may have been posted or published pursuant to subsection 3 of section 35 of <i>The Municipal Elections Act, 1977</i> prior to the coming into force of this Act.   |
| Prior<br>nominations      | (6) Nominations for the offices to which this section applies filed prior to the coming into force of this Act shall remain valid.  |
| Prior<br>acclamation      | (7) Any declaration made prior to the coming into force of this Act that a candidate has been declared to be elected to an office to which this section applies under subsection 1 or 2 of section 40 of <i>The Municipal Elections Act, 1977</i> is hereby declared to be of no effect.  |

- (8) Notwithstanding subsection 1 of section 39 of *The Municipal Elections Act, 1977*, a person nominated as a <sup>Withdrawal of nominations</sup> candidate for an office to which this section applies may <sup>1977, c. 62</sup> withdraw his nomination in writing, verified by his affidavit and delivered to the clerk of the City before 8 o'clock in the evening of nomination day.
- (9) A person who has been nominated on or before the 23rd <sup>Eligibility</sup> day of October, 1978 for any office, other than an office to which this section applies, shall not be eligible for nomination for election to an office to which this section applies unless the person has withdrawn his nomination to such other office or offices by filing his withdrawal in writing with the clerk of the City in the clerk's office before 5 o'clock in the afternoon on the 24th day of October, 1978.
- (10) A person whose nomination is filed under subsection 5 <sup>Idem</sup> of section 37 of *The Municipal Elections Act, 1977* for any office other than an office to which this Act applies shall not be eligible for nomination to an office to which this section applies.
- (11) Notwithstanding subsection 1 of section 40 of *The Municipal Elections Act, 1977*, if no more candidates are nominated for an office to which this section applies at the end of nomination day than the number to be elected, the clerk of the City shall forthwith after 8 o'clock in the evening of nomination day declare those candidates duly elected. <sup>Acclamation</sup>
- (12) Notwithstanding subsection 5 of section 37 of *The Municipal Elections Act, 1977* where, at 8 o'clock in the evening of nomination day, the number of candidates who have been nominated for an office to which this section applies and who have not withdrawn under subsection 8 is not sufficient to fill the number of vacancies to which candidates may be elected, subsection 11 respecting acclamation applies to those candidates, but additional nominations for the remaining vacancies in the office in respect of which there was an insufficient number of candidates may be filed in the office of the clerk of the City on the 31st day of October, 1978 between the hours of 9 o'clock in the forenoon and 5 o'clock in the afternoon and the provisions of subsection 4 of the said section 37 apply, with necessary modifications, as though the additional nomination papers had been filed on nomination day and no person so nominated may withdraw his nomination. <sup>Where number of candidates nominated insufficient</sup>

Acclamation  
1977, c. 62

- (13) Notwithstanding subsection 1a of section 40 of *The Municipal Elections Act, 1977*, where additional nominations have been filed under subsection 12 and the additional number of candidates nominated is not more than the remaining number of vacancies for which the additional candidates were nominated, the clerk of the City shall forthwith after 5 o'clock in the afternoon of the 31st day of October, 1978 declare those candidates duly elected.

Idem

- (14) If more candidates are nominated than the number to be elected but one or more candidates withdraws his nomination so that the number remaining is no more than the number required to be elected, the clerk of the City shall forthwith after 8 o'clock in the evening of nomination day declare the remaining candidate or candidates to be duly elected.

Vacancy

- (15) If the number of candidates declared to be elected to an office under subsection 11 or 14 is less than the number to be elected to such office so that there is a vacancy, a new election shall be held to fill the vacancy.

Commence-  
ment

- 4.—(1) This Act, except sections 1 and 2, comes into force on the day it receives Royal Assent.

Idem

- (2) Sections 1 and 2 come into force on the 1st day of December, 1978.

Short title

5. The short title of this Act is *The Regional Municipality of Niagara Amendment Act, 1978*.





An Act to amend  
The Regional Municipality of  
Niagara Act

---

*1st Reading*

October 23rd, 1978

*2nd Reading*

October 24th, 1978

*3rd Reading*

October 24th, 1978

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THE HON. T. L. WELLS  
Minister of Intergovernmental Affairs

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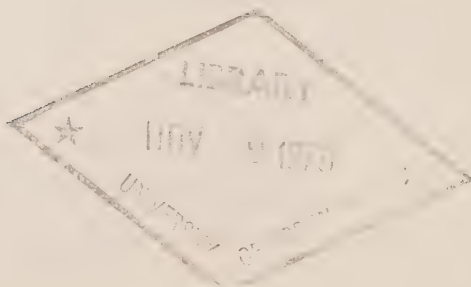
3  
17  
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BILL 146

Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

An Act to amend The Assessment Act

THE HON. L. MAECK  
Minister of Revenue



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTES

### GENERAL

The purpose of the Bill is to postpone the return of municipal property assessments at full market value until the year 1979 for municipal taxation in 1980. *The Assessment Act* presently provides for the return of assessments of property at full market value in the year 1978 for municipal taxation in 1979.

SECTION 1. The addition of the new clause *e* to section 86 provides for maintaining the existing assessment base until the return of assessment rolls in December of 1979. The proviso contained in the amendment immediately following clause *e* re-enacts, with the addition of a reference to the year 1978, the proviso that presently appears at the end of subsection 1 of section 86 of *The Assessment Act*.

BILL 146

1978

## An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 86 of *The Assessment Act*, being chapter <sup>s. 86 (1),</sup> 32 of the Revised Statutes of Ontario, 1970, as re-enacted by <sup>amended</sup> the Statutes of Ontario, 1976, chapter 65, section 1 and amended by 1977, chapter 56, section 1, is further amended,
  - (a) by striking out "and" at the end of clause *c* as inserted by the 1977 amendment;
  - (b) by adding "and" at the end of clause *d*; and
  - (c) by striking out all that part of the subsection immediately following clause *d* and inserting in lieu thereof,
    - (e) subject to subsection 2, the assessment roll of a municipality to be returned in the year 1978 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1977 for taxation in the year 1978 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1978,

provided that where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the year 1974, 1975, 1976, 1977 or 1978 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

2. Section 95 of the said Act, as re-enacted by the Statutes of <sup>s. 95,</sup> Ontario, 1977, chapter 56, section 2, is repealed and the <sup>re-enacted</sup> following substituted therefor:

- |                       |   |
|-----------------------|---|
| Application           | 95. Section 90 ceases to be in force on the 18th day of December, 1979, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action which will affect taxes for the years 1971 to and including 1979.  |
| s. 96,<br>re-enacted  | <b>3.</b> Section 96 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 56, section 3, is repealed and the following substituted therefor:  |
| Application           | 96.—(1) Subject to section 97, subsection 6 of section 33 continues to be not in force and remains inoperative until the 1st day of January, 1979.  |
| Idem                  | (2) Section 71 continues to be not in force and remains inoperative until the 1st day of January, 1980.   |
| s. 97 (2),<br>amended | <b>4.</b> Subsection 2 of section 97 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 161, section 2 and amended by 1975 ( <i>2nd Session</i> ), chapter 2, section 3 and 1977, chapter 56, section 4, is further amended by striking out "1979", as inserted in the third line by the 1977 amendment, and inserting in lieu thereof "1980". |
| Commence-<br>ment     | <b>5.</b> —(1) This Act, except section 3, comes into force on the 1st day of December, 1978.   |
| Idem                  | (2) Section 3 shall be deemed to have come into force on the 1st day of January, 1978.  |
| Short title           | <b>6.</b> The short title of this Act is <i>The Assessment Amendment Act, 1978</i> .  |

SECTIONS 2 AND 3. The proposed re-enactment of sections 95 and 96 of the Act are consequential on the amendment proposed in section 1 of the Bill. The sections to be amended now read:

*95. Section 90 ceases to be in force on the 19th day of December, 1978, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action which will affect taxes for the years 1971 to and including 1978.*

*96.—(1) Subject to section 97, subsection 6 of section 33 continues to be not in force and remains inoperative until the 1st day of January, 1978.*

*(2) Section 71 continues to be not in force and remains inoperative until the 1st day of January, 1979.*

SECTION 4. The amendment preserves the applicability of section 97 until the return of assessments of property at full market value.







An Act to amend  
The Assessment Act

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*1st Reading*

October 23rd, 1978

*2nd Reading*

*3rd Reading*

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THE HON. L. MAECK  
Minister of Revenue

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*(Government Bill)*

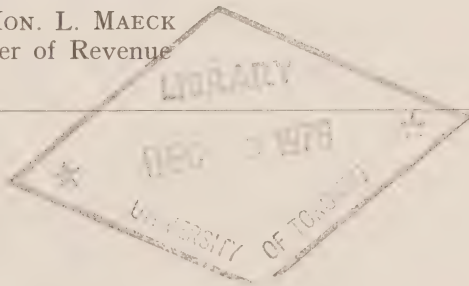
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BILL 146

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978  
*Reprinted as amended*

An Act to amend The Assessment Act

THE HON. L. MAECK  
Minister of Revenue



*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTES

### GENERAL

The purpose of the Bill is to postpone the return of municipal property assessments at full market value until the year 1979 for municipal taxation in 1980. *The Assessment Act* presently provides for the return of assessments of property at full market value in the year 1978 for municipal taxation in 1979.

SECTION 1. The addition of the new clause *e* to section 86 provides for maintaining the existing assessment base until the return of assessment rolls in December of 1979. The proviso contained in the amendment immediately following clause *e* re-enacts, with the addition of a reference to the year 1978, the proviso that presently appears at the end of subsection 1 of section 86 of *The Assessment Act*.

BILL 146

1978

## An Act to amend The Assessment Act

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 86 of *The Assessment Act*, being chapter <sup>s. 86 (1),  
amended</sup> 32 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1976, chapter 65, section 1 and amended by 1977, chapter 56, section 1, is further amended,
  - (a) by striking out “and” at the end of clause *c* as inserted by the 1977 amendment;
  - (b) by adding “and” at the end of clause *d*; and
  - (c) by striking out all that part of the subsection immediately following clause *d* and inserting in lieu thereof,
  - (e) subject to subsection 2, the assessment roll of a municipality to be returned in the year 1978 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1977 for taxation in the year 1978 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1978,

provided that where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the year 1974, 1975, 1976, 1977 or 1978 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

2. Section 95 of the said Act, as re-enacted by the Statutes of <sup>s. 95,  
re-enacted</sup> Ontario, 1977, chapter 56, section 2, is repealed and the following substituted therefor:

Application

95. Section 90 ceases to be in force on the 18th day of December, 1979, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action which will affect taxes for the years 1971 to and including 1979.

s. 96 (1),  
re-enacted

**3.** Subsection 1 of section 96 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 56, section 3, is repealed and the following substituted therefor:

Application

(1) Subject to section 97, subsection 6 of section 33 continues to be not in force and remains inoperative until the 1st day of January, 1979.

s. 97 (2),  
amended

**4.** Subsection 2 of section 97 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 161, section 2 and amended by 1975 (*2nd Session*), chapter 2, section 3 and 1977, chapter 56, section 4, is further amended by striking out "1979", as inserted in the third line by the 1977 amendment, and inserting in lieu thereof "1980".

Commence-  
ment

**5.—(1)** This Act, except section 3, comes into force on the 1st day of December, 1978.

Idem

(2) Section 3 shall be deemed to have come into force on the 1st day of January, 1978.

Short title

**6.** The short title of this Act is *The Assessment Amendment Act, 1978*.



SECTIONS 2 AND 3. The proposed re-enactment of section 95 and subsection 1 of section 96 of the Act are consequential on the amendment proposed in section 1 of the Bill. The sections to be amended now read:

95. *Section 90 ceases to be in force on the 19th day of December, 1978, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action which will affect taxes for the years 1971 to and including 1978.*

96.—(1) *Subject to section 97, subsection 6 of section 33 continues to be not in force and remains inoperative until the 1st day of January, 1978.*

(Subsection 2 of section 96 reads as follows:

(2) *Section 71 continues to be not in force and remains inoperative until the 1st day of January, 1979.*

As a result, commencing in 1979, the Ministry will once more be required to prepare equalized assessment figures for each municipality).

SECTION 4. The amendment preserves the applicability of section 97 until the return of assessments of property at full market value.





An Act to amend  
The Assessment Act

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*1st Reading*

October 23rd, 1978

*2nd Reading*

November 27th, 1978

*3rd Reading*

---

THE HON. L. MAECK  
Minister of Revenue

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*(Reprinted as amended by the  
Committee of the Whole House)*

**BILL 146**

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend The Assessment Act**

THE HON. L. MAECK  
Minister of Revenue



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 146

1978

## An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 86 of *The Assessment Act*, being chapter <sup>s. 86 (1),</sup> 32 of the Revised Statutes of Ontario, 1970, as re-enacted by <sup>amended</sup> the Statutes of Ontario, 1976, chapter 65, section 1 and amended by 1977, chapter 56, section 1, is further amended,

(a) by striking out “and” at the end of clause *c* as inserted by the 1977 amendment;

(b) by adding “and” at the end of clause *d*; and

(c) by striking out all that part of the subsection immediately following clause *d* and inserting in lieu thereof,

(e) subject to subsection 2, the assessment roll of a municipality to be returned in the year 1978 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1977 for taxation in the year 1978 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1978,

provided that where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the year 1974, 1975, 1976, 1977 or 1978 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

2. Section 95 of the said Act, as re-enacted by the Statutes of <sup>s. 95,</sup> Ontario, 1977, chapter 56, section 2, is repealed and the <sup>re-enacted</sup> following substituted therefor:







An Act to amend  
The Assessment Act

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*1st Reading*

October 23rd, 1978

*2nd Reading*

November 27th, 1978

*3rd Reading*

November 30th, 1978

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THE HON. L. MAECK  
Minister of Revenue

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**BILL 147**

**Government Bill**

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend  
The University of Toronto Act, 1971**

THE HON. B. STEPHENSON  
Minister of Education and Minister of  
Colleges and Universities

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTES

SECTION 1.—Subsection 1. Defines “academic unit” for the first time.

Subsection 2. Clauses *b*, *d*, *f*, *l* and *m* of subsection 1 of section 1 presently read as follows:

(b) *“alumni” means the persons who have received degrees, diplomas or certificates from the University, a federated university or a federated or affiliated college, and the persons who have completed one year of full-time studies towards such a degree, diploma or certificate and are no longer registered;*

. . . . .

(d) *“college” means a school or other institution of learning;*

. . . . .

(f) *“council” means the governing body of a college or faculty;*

. . . . .

(l) *“student” means any person registered at the University for full-time or part-time study in a program that leads to a degree, diploma or certificate of the University or in a program designated by the Governing Council as a program of study at the University;*

(m) *“teaching staff” means the employees of the University, University College, the constituent colleges and the federated universities who hold the academic rank of professor, associate professor, assistant professor, full-time lecturer or part-time lecturer unless such part-time lecturer is registered as a student.*

The re-enactment of clause *b* deletes the words “a federated university or a federated or affiliated college” since these institutions no longer grant degrees, diplomas or certificates except in theology. The re-enactment also adds the words “post-secondary” and “or the equivalent thereof as determined by the Governing Council”. The effect is to clarify that “alumni” includes persons who have received post-secondary diplomas or certificates and those students determined by the Governing Council who have completed the equivalent of one year of full-time studies and are no longer registered at the University.

Clause *d* which defines “college” is repealed as the new definition of “academic unit” includes college.

The re-enactment of clause *f* replaces the words “a college or faculty” with the words “an academic unit”. This is complementary to the new clause *a* of subsection 1 of section 1 of the Act.

The re-enactment of clause *l* adds the words “post-secondary”, in the 4th and 7th lines, to clarify that “student” does not include a person studying at the secondary level.

The re-enactment of clause *m* adds the words “the arts and science faculties of” and “or who hold any other rank created by the Governing Council and designated by it as an academic rank for the purposes of this clause”. The effect is to include in the definition of “teaching staff” those persons in the arts and science faculties of the federated universities who instruct in the programs approved by the Governing Council and those persons who hold any other academic rank created by the Governing Council.



**An Act to amend  
The University of Toronto Act, 1971**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The University of Toronto Act*, s. 1 (1),  
1971, being chapter 56, is amended by relettering clause amended  
*a* as clause *aa* and by adding thereto the following clause:

(a) “academic unit” means University College and a college, faculty, school, institute, department or other academic division of the University so designated by the Governing Council.

(2) Clauses *b*, *d*, *f*, *l* and *m* of subsection 1 of the said section 1 s. 1 (1) (*b, f, l, m*),  
are repealed and the following substituted therefor: re-enacted  
s. 1 (1) (*d*),  
repealed

(b) “alumni” means persons who have received degrees or post-secondary diplomas or certificates from the University, or persons who have completed one year of full-time studies, or the equivalent thereof as determined by the Governing Council, towards such a degree, diploma or certificate and are no longer registered at the University;

. . . . .

(f) “council” means the governing body of an academic unit;

. . . . .

(l) “student” means any person registered at the University for full-time or part-time study in a program that leads to a degree or post-secondary diploma or certificate of the University or in a program designated by the Governing Council as a program of post-secondary study at the University;

- (m) "teaching staff" means the employees of the University, University College, the constituent colleges and the arts and science faculties of the federated universities who hold the academic rank of professor, associate professor, assistant professor, full-time lecturer or part-time lecturer, unless such part-time lecturer is registered as a student, or who hold any other rank created by the Governing Council and designated by it as an academic rank for the purposes of this clause.

s. 2 (2) (b),  
re-enacted

- 2.—(1) Clause *b* of subsection 2 of section 2 of the said Act is repealed and the following substituted therefor:

- (b) two members appointed by the President from among the officers of the University, University College, the constituent colleges, the federated universities and the federated and affiliated colleges.

s. 2,  
amended

- (2) The said section 2 is amended by adding thereto the following subsection:

Eligibility of  
candidates

- (3a) No person shall be a candidate for election to the Governing Council under more than one clause of subsection 2 in any one election, and, where a person is so eligible, he shall declare the clause under which he seeks election.

s. 2 (6) (*b-d*),  
re-enacted  
s. 2 (6) (*e, f*),  
repealed

- (3) Clauses *b, c, d, e* and *f* of subsection 6 of the said section 2 are repealed and the following substituted therefor:

- (b) the persons appointed by the Lieutenant Governor in Council under clause *c* of subsection 2 shall be appointed for a three-year term;

- (c) the persons elected by the students under clause *e* of subsection 2 shall be elected for a one-year term; and

- (d) the persons elected by the teaching staff, the administrative staff and the alumni under clauses *d, f* and *g*, respectively, of subsection 2 shall be elected for a three-year term.

s. 2 (11),  
re-enacted  
s. 2 (12),  
repealed

- (4) Subsections 11 and 12 of the said section 2 are repealed and the following substituted therefor:

Chairman  
and Vice-  
Chairman

- (11) The Governing Council shall elect annually a Chairman and a Vice-Chairman from among the members appointed by the Lieutenant Governor in Council and shall fill any vacancy in the office of Chairman or Vice-Chairman from among such members.



SECTION 2.—Subsection 1. Clause *b* of subsection 2 of section 2 presently reads as follows:

- (b) two members appointed by the President from among the officers of the University, its federated universities, federated colleges and affiliated colleges.*

Clause *b* is amended by adding the words “University College, the constituent colleges”. The effect is that officers of University College and the constituent colleges are eligible for appointment by the President to the Governing Council.

Subsection 2. The new subsection 3*a* of section 2 limits candidacy for election to the Governing Council to only one category under subsection 2 of section 2 of the Act.

Subsection 3. Clauses *b*, *c*, *d*, *e* and *f* of subsection 6 of section 2 presently read as follows:

- (b) on the first appointment of persons by the Lieutenant Governor in Council,*

*(i) five persons shall be appointed for a one-year term,*

*(ii) five persons shall be appointed for a two-year term, and*

*(iii) six persons shall be appointed for a three-year term,*

*and in each year thereafter the five or six persons, as the case may be, to be appointed shall be appointed for a three-year term;*

- (c) on the first election of members by the teaching staff,*

*(i) four persons shall be elected for a one-year term,*

*(ii) four persons shall be elected for a two-year term, and*

*(iii) four persons shall be elected for a three-year term,*

*and in each year thereafter the four persons to be elected shall be elected for a three-year term;*

- (d) the persons elected by the students shall be elected for a one-year term;*

- (e) on the first election of persons by the administrative staff, one person shall be elected for a one-year term and one person shall be elected for a two-year term, and in each year thereafter in which there is an election of a person by the administrative staff, such person shall be elected for a three-year term; and*

- (f) on the first election of persons by the alumni,*

*(i) two persons shall be elected for a one-year term,*

*(ii) three persons shall be elected for a two-year term, and*

*(iii) three persons shall be elected for a three-year term,*

*and in each year thereafter the two or three persons, as the case may be, to be elected shall be elected for a three-year term.*

The reference to the first appointments and elections is repealed as it is no longer applicable. The re-enacted clauses now set out the term of office of the members appointed or elected under subsection 2 of section 2 of the Act.

Subsection 4. Subsections 11 and 12 of section 2 presently read as follows:

- (11) *On the first appointment of members by the Lieutenant Governor in Council, one of the members appointed for a three-year term shall be appointed by the Lieutenant Governor in Council to be the chairman of the Governing Council during such three-year term, and upon the expiration of such term of office or a vacancy occurring therein, the Governing Council shall elect the chairman from among all the members appointed by the Lieutenant Governor in Council.*
- (12) *On the first appointment of members by the Lieutenant Governor in Council, one of the members appointed for a three-year term shall be appointed by the Lieutenant Governor in Council to be vice-chairman of the Governing Council during such three-year term, and upon the expiration of such term of office or a vacancy occurring therein, the Governing Council shall elect the vice-chairman from among all the members appointed by the Lieutenant Governor in Council.*

The re-enactment provides for the Chairman and Vice-Chairman to be elected annually from among the members appointed by the Lieutenant Governor in Council.

Subsection 5. Clauses b, d, e, f, i, j, k and n of subsection 14 of section 2 presently read as follows:

- (b) *appoint, promote, suspend and remove the members of the teaching and administrative staffs of the University and all such other officers and employees, including pro tem appointments, as the Governing Council considers necessary or advisable for the purposes of the University or University College, but no member of the teaching or administrative staffs, except the President, shall be appointed, promoted, suspended or removed except on the recommendation of the President;*
- (d) *appoint committees, and, where authority is conferred upon a committee to act for the Governing Council with respect to any matter or class of matters, a majority of the members thereof, including in the computation the ex officio members, shall be members of the Governing Council;*
- (e) *establish and terminate colleges, faculties, departments and chairs;*
- (f) *determine and regulate the standards for the admission of students to the University, the contents and curricula of all courses of study and the requirements for graduation;*
- (i) *delegate such of its powers as it considers proper with respect to clauses f, g and h to any college, faculty, school, institute or department that may be continued under this Act or established under clause e;*
- (j) *provide for the granting of and grant degrees, including honorary degrees, diplomas and certificates, except in theology;*

- (5) Clauses *b*, *d*, *e*, *f*, *i*, *j*, *k* and *n* of subsection 14 of the said section 2 are repealed and the following substituted therefor: <sup>s. 2 (14)</sup>  
<sup>(b, d-f, i-k, n),</sup>  
<sup>re-enacted</sup>

(b) appoint, promote, suspend and remove the members of the teaching and administrative staffs of the University and all such other officers and employees, including *pro tempore* appointments, as the Governing Council considers necessary or advisable for the purposes of the University or University College, but no member of the teaching or administrative staffs, except the President, shall be appointed, promoted, suspended or removed unless recommended by the President or such other officer or employee of the University designated therefor by the President under subsection 4a of section 5;

. . . . .

(d) delegate such of its powers under clauses *b* and *c* as it considers proper to the President or to such other officer or employee of the University as may be designated by the President;

(e) appoint committees and delegate thereto power and authority to act for the Governing Council with respect to any matter or class of matters, provided that where power and authority to act for the Governing Council are delegated, a majority of the members of the committee shall be members of the Governing Council;

(f) establish, change and terminate academic and administrative units within the University and determine the powers and duties of any such unit;

. . . . .

(i) establish, change and, subject to subsection 2 of section 12, terminate councils within the University and determine the composition, powers and duties of any such council;

(j) provide for the granting of and grant degrees, including honorary degrees, diplomas and certificates;

(k) establish, change and terminate chairs and programs and courses of study;

. . . . .

- (*n*) determine and regulate the standards for the admission of students to the University, the contents and curricula of all programs and courses of study and the requirements for graduation;
- (*na*) delegate such of its powers under clauses *g*, *h*, and *n* as it considers proper to any academic unit or council;
- (*nb*) determine the manner and procedure of election of its members, including the determination of constituencies, assign students and members of the teaching staff and administrative staff to such constituencies, and conduct such elections, but in the case of election of members by the administrative staff, the teaching staff and the students, or any of them, the elections shall be by secret ballot and no person shall be eligible to cast more than one ballot;
- (*nc*) determine whether any person is a member, or any class of persons are members, of the administrative staff or the teaching staff or the alumni or is or are a student or students, and if a student or students, whether full-time graduate, part-time graduate, full-time undergraduate or part-time undergraduate;
- (*nd*) invest all money that comes into its hands and that is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of the instruments creating any trust as to the same, in such manner as it considers proper and, except where a trust instrument otherwise directs, combine trust moneys belonging to various trusts in its care into a common trust fund.

s. 2,  
amended

- (6) The said section 2 is amended by adding thereto the following subsection:

Delegation  
to sub-  
committees

(14*a*) A committee appointed under clause *e* of subsection 14 with power and authority to act for the Governing Council with respect to any of the powers of the Governing Council under clauses *g*, *h* and *n* of subsection 14 may, with the approval of the Governing Council, appoint and delegate such powers to subcommittees, and the majority of the members of such subcommittees need not be members of the Governing Council.

s. 2 (15),  
re-enacted

- (7) Subsection 15 of the said section 2 is repealed and the following substituted therefor:



(k) *determine the manner and procedure of election of its members and conduct such elections, but in the case of election of members by the administrative staff, the teaching staff and the students, or any of them, the elections shall be by secret ballot;*

(n) *invest all money that comes into its hands and is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of the instruments creating any trust as to the same, in such manner as it considers proper.*

The re-enactment of clause *b* adds the words "or such other officer or employee of the University designated therefor by the President under subsection 4a of section 5". The effect is to allow the Governing Council to receive recommendations concerning appointments, promotions, suspension or removals from an officer or employee of the University designated by the President.

The new clause *d* is self-explanatory.

Clause *e* re-enacts the present clause *d*. The effect is to allow the Governing Council to delegate its power and authority to committees comprised of a majority of members of the Governing Council.

Clause *f* re-enacts the present clause *e*. The effect is to allow the Governing Council to determine the organizational structure of the University.

The new clause *i* allows the Governing Council to establish or terminate councils within the University.

The re-enactment of clause *j* deletes the words "except in theology" which is complementary to new section 2a of the Act.

The new clause *k* further expands the powers of the Governing Council and is self-explanatory.

Clause *n* re-enacts the present clause *f*. The re-enactment adds the words "programs and". The effect is to expand the powers of the Governing Council to regulate the contents and curricula of programs and courses of study.

Clause *na* re-enacts the present clause *i*. The re-enactment is consistent with the new definitions of "academic unit" and "council".

Clause *nb* re-enacts the present clause *k*. The effect of the re-enactment is two-fold:

- (1) The Governing Council is empowered to determine constituencies.
- (2) No person is eligible to cast more than one ballot at an election of the Governing Council.

The new clause *nc* gives the Governing Council the power to determine the constituency to which any person or group belongs.

Clause *nd* re-enacts the present clause *n*. The re-enactment adds the words "and, except where a trust instrument otherwise directs, combine trust moneys belonging to various trusts in its care into a common trust fund". The effect is to promote the use of a common trust fund for various trust moneys.

Subsection 6. The new subsection 14a allows a committee appointed to deal with the academic matters specified in clauses *g*, *h* and *n* of subsection 14 of section 2, to delegate its powers to a subcommittee the majority of members of which need not be members of the Governing Council.

Subsection 7. Subsection 15 of section 2 presently reads as follows:

- (15) *The Governing Council shall pass by-laws regulating the exercise of its powers and the calling and conduct of its meetings, and its decisions shall be made by resolutions passed at its meetings.*

The re-enactment adds the words "and those of committees appointed by it and, subject to subsection 5 of section 3, including the quorum of any such committee". The effect is to give the Governing Council the power to regulate the calling and conducting of meetings of committees appointed by it and, except as set out in section 3 of the Bill, determine the quorum of such committees.

Subsection 8. The present subsection 19 of section 2 reads as follows:

- (19) *The Governing Council shall review this Act and report thereon to the Minister of University Affairs within two years after it comes into force, whereupon the Minister shall submit the report to the Lieutenant Governor in Council and then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.*

SECTION 3. The new section 2a provides for agreements concerning theological education programs.

SECTION 4. The new subsection 5 of section 3 sets out the quorum of the Executive Committee.

(15) The Governing Council shall pass by-laws regulating the exercise of its powers and the calling and conduct of its meetings and those of committees appointed by it and, subject to subsection 5 of section 3, including the quorum of any such committee, and its decisions shall be made by resolutions passed at its meetings.

By-laws and  
resolutions  
of Governing  
Council

(8) Subsection 19 of the said section 2 is repealed.

s. 2 (19),  
repealed

3. The said Act is amended by adding thereto the following section:

s. 2a,  
enacted

2a. Notwithstanding anything in this Act or the Acts, charters, letters patent, supplementary letters patent or articles creating or governing the Governing Council, The Toronto School of Theology or any of its member institutions and any or all of its member institutions as they may exist from time to time, the Governing Council, The Toronto School of Theology and any or all of its member institutions may enter into agreements for the purpose of enabling the University to participate in the direction of theological education programs offered by the said School and its member institutions, which agreements may include provisions not in accordance with this Act or the Acts, charters, letters patent, supplementary letters patent or articles creating or governing The Toronto School of Theology or any of its member institutions for,

Degrees  
in theology

(a) the conjoint registration of students;

(b) the granting and conferring of conjoint earned degrees in theology;

(c) the disciplinary jurisdiction of the member institutions over their students and teaching staffs; and

(d) the relationships between the member institutions and their teaching staffs,

as are deemed appropriate from time to time, but without affecting the composition or eligibility to be a member of or to participate in the election of any member of the Governing Council or the Executive Committee or any other committee thereof.

4. Section 3 of the said Act is amended by adding thereto the following subsection:

s. 3,  
amended

(5) Six members, at least three of whom shall be members elected by the alumni or appointed by the Lieutenant Gover-

Quorum



nor in Council, constitute a quorum of the Executive Committee.

s. 5,  
amended

- 5.**—(1) Section 5 of the said Act is amended by adding thereto the following subsection:

Delegation by  
President

(4a) The President, subject to the approval of the Governing Council, may delegate his duties under subsection 4 to any other officer or employee of the University.

s. 5 (6),  
re-enacted

- (2) Subsection 6 of the said section 5 is repealed and the following substituted therefor:

Meetings  
of councils

(6) The President may summon a meeting of any council.

s. 5 (7),  
amended

- (3) Subsection 7 of the said section 5 is amended by striking out "of the colleges, faculties and schools" in the second line.

s. 9 (2),  
repealed

- 6.** Subsection 2 of section 9 of the said Act is repealed.

s. 12,  
re-enacted

- 7.** Section 12 of the said Act is repealed and the following substituted therefor:

Constituent  
colleges

12.—(1) The constituent colleges of the University are,

(a) Erindale College;

(b) Innis College;

(c) New College;

(d) Scarborough College;

(e) Woodsworth College,

and any other college hereafter established by the Governing Council.

Council of  
constituent  
colleges

(2) Each constituent college now or hereafter established by the Governing Council shall have a council with such composition, powers and duties as are from time to time determined by the Governing Council.

s. 19 (1),  
amended

- 8.**—(1) Subsection 1 of section 19 of the said Act is amended by striking out "University Affairs" in the second line and inserting in lieu thereof "Colleges and Universities".

s. 19,  
amended

- (2) The said section 19 is amended by adding thereto the following subsection:

SECTION 5.—Subsection 1. The new subsection 4a of section 5 gives the President the power to delegate his duties under subsection 4 of section 5 to any other officer or employee of the University.

Subsection 2. Subsection 6 of section 5 presently reads as follows:

- (6) *The President may summon meetings of the council of any college, faculty or school.*

The re-enactment reflects the change in the definition of “council”.

Subsection 3. Subsection 7 of section 5 presently reads as follows:

- (7) *The President may summon joint meetings of the councils of the colleges, faculties and schools or any two or more of them.*

The re-enactment reflects the change in the definition of “council”.

SECTION 6. The present subsection 2 of section 9 reads as follows:

- (2) *Notwithstanding section 2 but only with the approval of the Governing Council, any council may at any time change its internal structure and the form of its government.*

The repeal is consistent with the power given the Governing Council under the new clause *i* of subsection 14 of section 2 of the Act (see subsection 6 of section 2 of this Bill).

SECTION 7. Section 12 presently reads as follows:

12. *The constituent colleges of the University are,*

(a) *Erindale College;*

(b) *Innis College;*

(c) *New College;*

(d) *Scarborough College,*

*and any other colleges hereafter established by the Governing Council.*

The re-enactment of subsection 1 of section 12 adds Woodsworth College to the list of constituent colleges.

The new subsection 2 of section 12 requires the constituent colleges to have a council.

SECTION 8.—Subsection 1. The amendment to subsection 1 of section 19 reflects the change in the name of the Ministry.

Subsection 2. The new subsection 3 of section 19 is self-explanatory.

SECTION 9. The present section 20 reads as follows:

*20. Notwithstanding anything in this Act, the Governors of the University of Toronto shall forthwith after this section is proclaimed to be in force, conduct the first election of members of the Governing Council under clauses d, e, f and g of subsection 2 of section 2 as if this Act were in force for such purpose, and the Governors shall be deemed to have and may exercise any power necessary or expedient for such purpose.*

This section, which dealt with the first election of members to the Governing Council, is now spent.

(3) The Governing Council shall make available to the public an annual report, including a financial statement, in such form and manner as the Governing Council may determine. Annual public report

9. Section 20 of the said Act is repealed.

s. 20,  
repealed

10.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 3 shall be deemed to have come into force on the 1st day of July, 1978. Idem

11. The short title of this Act is *The University of Toronto Amendment Act, 1978*. Short title

An Act to amend  
The University of Toronto Act, 1971

---

*1st Reading*

October 23rd, 1978

*2nd Reading*

*3rd Reading*

---

THE HON. B. STEPHENSON  
Minister of Education and Minister of  
Colleges and Universities

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*(Government Bill)*

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2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

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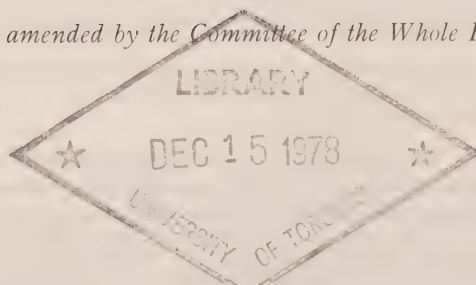
**An Act to amend  
The University of Toronto Act, 1971**

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THE HON. B. STEPHENSON  
Minister of Education and Minister of  
Colleges and Universities

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*(Reprinted as amended by the Committee of the Whole House)*



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TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTES

SECTION 1.—Subsection 1. Defines “academic unit” for the first time.

Subsection 2. Clauses *b*, *d*, *f*, *l* and *m* of subsection 1 of section 1 presently read as follows:

(b) “*alumni*” means the persons who have received degrees, diplomas or certificates from the University, a federated university or a federated or affiliated college, and the persons who have completed one year of full-time studies towards such a degree, diploma or certificate and are no longer registered;

. . . . .

(d) “*college*” means a school or other institution of learning;

. . . . .

(f) “*council*” means the governing body of a college or faculty;

. . . . .

(l) “*student*” means any person registered at the University for full-time or part-time study in a program that leads to a degree, diploma or certificate of the University or in a program designated by the Governing Council as a program of study at the University;

(m) “*teaching staff*” means the employees of the University, University College, the constituent colleges and the federated universities who hold the academic rank of professor, associate professor, assistant professor, full-time lecturer or part-time lecturer unless such part-time lecturer is registered as a student.

The re-enactment of clause *b* deletes the words “a federated university or a federated or affiliated college” since these institutions no longer grant degrees, diplomas or certificates except in theology. The re-enactment also adds the words “post-secondary” and “or the equivalent thereof as determined by the Governing Council”. The effect is to clarify that “alumni” includes persons who have received post-secondary diplomas or certificates and those students determined by the Governing Council who have completed the equivalent of one year of full-time studies and are no longer registered at the University.

Clause *d* which defines “college” is repealed as the new definition of “academic unit” includes college.

The re-enactment of clause *f* replaces the words “a college or faculty” with the words “an academic unit”. This is complementary to the new clause *a* of subsection 1 of section 1 of the Act.

The re-enactment of clause *l* adds the words “post-secondary”, in the 4th and 7th lines, to clarify that “student” does not include a person studying at the secondary level.

The re-enactment of clause *m* adds the words “the arts and science faculties of” and “or who hold any other rank created by the Governing Council and designated by it as an academic rank for the purposes of this clause”. The effect is to include in the definition of “teaching staff” those persons in the arts and science faculties of the federated universities who instruct in the programs approved by the Governing Council and those persons who hold any other academic rank created by the Governing Council.



**An Act to amend  
The University of Toronto Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The University of Toronto Act*, <sup>s. 1 (1), amended</sup> 1971, being chapter 56, is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:
- (a) “academic unit” means University College and a college, faculty, school, institute, department or other academic division of the University so designated by the Governing Council.
- (2) Clauses *b*, *d*, *f*, *l* and *m* of subsection 1 of the said section 1 <sup>s. 1 (1) (b, f, l, m), re-enacted s. 1 (1) (d), repealed</sup> are repealed and the following substituted therefor:
- (b) “alumni” means persons who have received degrees or post-secondary diplomas or certificates from the University, or persons who have completed one year of full-time studies, or the equivalent thereof as determined by the Governing Council, towards such a degree, diploma or certificate and are no longer registered at the University;
- . . . . .
- (f) “council” means the governing body of an academic unit;
- . . . . .
- (l) “student” means any person registered at the University for full-time or part-time study in a program that leads to a degree or post-secondary diploma or certificate of the University or in a program designated by the Governing Council as a program of post-secondary study at the University;

- (m) “teaching staff” means the employees of the University, University College, the constituent colleges and the arts and science faculties of the federated universities who hold the academic rank of professor, associate professor, assistant professor, full-time lecturer or part-time lecturer, unless such part-time lecturer is registered as a student, or who hold any other rank created by the Governing Council and designated by it as an academic rank for the purposes of this clause.

s. 2 (2) (b),  
re-enacted

- 2.—(1) Clause *b* of subsection 2 of section 2 of the said Act is repealed and the following substituted therefor:

- (b) two members appointed by the President from among the officers of the University, University College, the constituent colleges, the federated universities and the federated and affiliated colleges.

s. 2,  
amended

- (2) The said section 2 is amended by adding thereto the following subsection:

Eligibility of  
candidates

- (3a) No person shall be a candidate for election to the Governing Council under more than one clause of subsection 2 in any one election, and, where a person is so eligible, he shall declare the clause under which he seeks election.

s. 2 (6) (b-d),  
re-enacted  
s. 2 (6) (c, f),  
repealed

- (3) Clauses *b*, *c*, *d*, *e* and *f* of subsection 6 of the said section 2 are repealed and the following substituted therefor:

- (b) the persons appointed by the Lieutenant Governor in Council under clause *c* of subsection 2 shall be appointed for a three-year term and shall be representative of the community;

- (c) the persons elected by the students under clause *e* of subsection 2 shall be elected for a one-year term; and

- (d) the persons elected by the teaching staff, the administrative staff and the alumni under clauses *d*, *f* and *g*, respectively, of subsection 2 shall be elected for a three-year term.

s. 2 (11),  
re-enacted  
s. 2 (12),  
repealed

- (4) Subsections 11 and 12 of the said section 2 are repealed and the following substituted therefor:

Chairman  
and Vice-  
Chairman

- (11) The Governing Council shall elect annually a Chairman and a Vice-Chairman from among the members appointed by the Lieutenant Governor in Council and shall fill any vacancy in the office of Chairman or Vice-Chairman from among such members.

SECTION 2.—Subsection 1. Clause *b* of subsection 2 of section 2 presently reads as follows:

- (b) two members appointed by the President from among the officers of the University, its federated universities, federated colleges and affiliated colleges.*

Clause *b* is amended by adding the words “University College, the constituent colleges”. The effect is that officers of University College and the constituent colleges are eligible for appointment by the President to the Governing Council.

Subsection 2. The new subsection 3*a* of section 2 limits candidacy for election to the Governing Council to only one category under subsection 2 of section 2 of the Act.

Subsection 3. Clauses *b*, *c*, *d*, *e* and *f* of subsection 6 of section 2 presently read as follows:

- (b) on the first appointment of persons by the Lieutenant Governor in Council,*

*(i) five persons shall be appointed for a one-year term,*

*(ii) five persons shall be appointed for a two-year term, and*

*(iii) six persons shall be appointed for a three-year term,*

*and in each year thereafter the five or six persons, as the case may be, to be appointed shall be appointed for a three-year term;*

- (c) on the first election of members by the teaching staff,*

*(i) four persons shall be elected for a one-year term,*

*(ii) four persons shall be elected for a two-year term, and*

*(iii) four persons shall be elected for a three-year term,*

*and in each year thereafter the four persons to be elected shall be elected for a three-year term;*

- (d) the persons elected by the students shall be elected for a one-year term;*

- (e) on the first election of persons by the administrative staff, one person shall be elected for a one-year term and one person shall be elected for a two-year term, and in each year thereafter in which there is an election of a person by the administrative staff, such person shall be elected for a three-year term; and*

- (f) on the first election of persons by the alumni,*

*(i) two persons shall be elected for a one-year term,*

*(ii) three persons shall be elected for a two-year term, and*

*(iii) three persons shall be elected for a three-year term,*

*and in each year thereafter the two or three persons, as the case may be, to be elected shall be elected for a three-year term.*

The reference to the first appointments and elections is repealed as it is no longer applicable. The re-enacted clauses now set out the term of office of the members appointed or elected under subsection 2 of section 2 of the Act.

Subsection 4. Subsections 11 and 12 of section 2 presently read as follows:

- (11) *On the first appointment of members by the Lieutenant Governor in Council, one of the members appointed for a three-year term shall be appointed by the Lieutenant Governor in Council to be the chairman of the Governing Council during such three-year term, and upon the expiration of such term of office or a vacancy occurring therein, the Governing Council shall elect the chairman from among all the members appointed by the Lieutenant Governor in Council.*
- (12) *On the first appointment of members by the Lieutenant Governor in Council, one of the members appointed for a three-year term shall be appointed by the Lieutenant Governor in Council to be vice-chairman of the Governing Council during such three-year term, and upon the expiration of such term of office or a vacancy occurring therein, the Governing Council shall elect the vice-chairman from among all the members appointed by the Lieutenant Governor in Council.*

The re-enactment provides for the Chairman and Vice-Chairman to be elected annually from among the members appointed by the Lieutenant Governor in Council.

Subsection 5. Clauses *b, d, e, f, i, j, k* and *n* of subsection 14 of section 2 presently read as follows:

- (b) *appoint, promote, suspend and remove the members of the teaching and administrative staffs of the University and all such other officers and employees, including pro tem appointments, as the Governing Council considers necessary or advisable for the purposes of the University or University College, but no member of the teaching or administrative staffs, except the President, shall be appointed, promoted, suspended or removed except on the recommendation of the President;*
- (d) *appoint committees, and, where authority is conferred upon a committee to act for the Governing Council with respect to any matter or class of matters, a majority of the members thereof, including in the computation the ex officio members, shall be members of the Governing Council;*
- (e) *establish and terminate colleges, faculties, departments and chairs;*
- (f) *determine and regulate the standards for the admission of students to the University, the contents and curricula of all courses of study and the requirements for graduation;*
- (i) *delegate such of its powers as it considers proper with respect to clauses f, g and h to any college, faculty, school, institute or department that may be continued under this Act or established under clause e;*
- (j) *provide for the granting of and grant degrees, including honorary degrees, diplomas and certificates, except in theology;*

(5) Clauses *b*, *d*, *e*, *f*, *i*, *j*, *k* and *n* of subsection 14 of the said section 2 are repealed and the following substituted therefor: s. 2 (14)  
(*b*, *d-f*, *i-k*, *n*),  
re-enacted

(*b*) appoint, promote, suspend and remove the members of the teaching and administrative staffs of the University and all such other officers and employees, including *pro tempore* appointments, as the Governing Council considers necessary or advisable for the purposes of the University or University College, but no member of the teaching or administrative staffs, except the President, shall be appointed, promoted, suspended or removed unless recommended by the President or such other officer or employee of the University designated therefor by the President under subsection 4*a* of section 5;

. . . . .

(*d*) delegate such of its powers under clauses *b* and *c* as it considers proper to the President or to such other officer or employee of the University as may be designated by the President;

(*e*) appoint committees and delegate thereto power and authority to act for the Governing Council with respect to any matter or class of matters, provided that where power and authority to act for the Governing Council are delegated, a majority of the members of the committee shall be members of the Governing Council;

(*f*) establish, change and terminate academic and administrative units within the University and determine the powers and duties of any such unit;

. . . . .

(*i*) establish, change and, subject to subsection 2 of section 12, terminate councils within the University and determine the composition, powers and duties of any such council;

(*j*) provide for the granting of and grant degrees, including honorary degrees, diplomas and certificates;

(*k*) establish, change and terminate chairs and programs and courses of study;

. . . . .



- (*n*) determine and regulate the standards for the admission of students to the University, the contents and curricula of all programs and courses of study and the requirements for graduation;
- (*na*) delegate such of its powers under clauses *g*, *h*, and *n* as it considers proper to any academic unit or council;
- (*nb*) determine the manner and procedure of election of its members, including the determination of constituencies, assign students and members of the teaching staff and administrative staff to such constituencies, and conduct such elections, but in the case of election of members by the administrative staff, the teaching staff and the students, or any of them, the elections shall be by secret ballot and no person shall be eligible to cast more than one ballot;
- (*nc*) determine whether any person is a member, or any class of persons are members, of the administrative staff or the teaching staff or the alumni or is or are a student or students, and if a student or students, whether full-time graduate, part-time graduate, full-time undergraduate or part-time undergraduate;
- (*nd*) invest all money that comes into its hands and that is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of the instruments creating any trust as to the same, in such manner as it considers proper and, except where a trust instrument otherwise directs, combine trust moneys belonging to various trusts in its care into a common trust fund.

s. 2,  
amended

- (6) The said section 2 is amended by adding thereto the following subsection:

Delegation  
to sub-  
committees

(14*a*) A committee appointed under clause *e* of subsection 14 with power and authority to act for the Governing Council with respect to any of the powers of the Governing Council under clauses *g*, *h* and *n* of subsection 14 may, with the approval of the Governing Council, appoint and delegate such powers to subcommittees, and the majority of the members of such subcommittees need not be members of the Governing Council.

s. 2 (15),  
re-enacted

- (7) Subsection 15 of the said section 2 is repealed and the following substituted therefor:

(k) *determine the manner and procedure of election of its members and conduct such elections, but in the case of election of members by the administrative staff, the teaching staff and the students, or any of them, the elections shall be by secret ballot;*

(n) *invest all money that comes into its hands and is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of the instruments creating any trust as to the same, in such manner as it considers proper.*

The re-enactment of clause *b* adds the words "or such other officer or employee of the University designated therefor by the President under subsection 4a of section 5". The effect is to allow the Governing Council to receive recommendations concerning appointments, promotions, suspension or removals from an officer or employee of the University designated by the President.

The new clause *d* is self-explanatory.

Clause *e* re-enacts the present clause *d*. The effect is to allow the Governing Council to delegate its power and authority to committees comprised of a majority of members of the Governing Council.

Clause *f* re-enacts the present clause *e*. The effect is to allow the Governing Council to determine the organizational structure of the University.

The new clause *i* allows the Governing Council to establish or terminate councils within the University.

The re-enactment of clause *j* deletes the words "except in theology" which is complementary to new section 2a of the Act.

The new clause *k* further expands the powers of the Governing Council and is self-explanatory.

Clause *n* re-enacts the present clause *f*. The re-enactment adds the words "programs and". The effect is to expand the powers of the Governing Council to regulate the contents and curricula of programs and courses of study.

Clause *na* re-enacts the present clause *i*. The re-enactment is consistent with the new definitions of "academic unit" and "council".

Clause *nb* re-enacts the present clause *k*. The effect of the re-enactment is two-fold:

- (1) The Governing Council is empowered to determine constituencies.
- (2) No person is eligible to cast more than one ballot at an election of the Governing Council.

The new clause *nc* gives the Governing Council the power to determine the constituency to which any person or group belongs.

Clause *nd* re-enacts the present clause *n*. The re-enactment adds the words "and, except where a trust instrument otherwise directs, combine trust moneys belonging to various trusts in its care into a common trust fund". The effect is to promote the use of a common trust fund for various trust moneys.



nor in Council, constitute a quorum of the Executive Committee.

s. 5  
amended

- 5.—(1) Section 5 of the said Act is amended by adding thereto the following subsection:

Delegation by  
President

(4a) The President, subject to the approval of the Governing Council, may delegate his duties under subsection 4, other than a recommendation to remove a member of the teaching staff, to any other officer or employee of the University.

s. 5 (6),  
re-enacted

- (2) Subsection 6 of the said section 5 is repealed and the following substituted therefor:

Meetings  
of councils

(6) The President may summon a meeting of any council.

s. 5 (7),  
amended

- (3) Subsection 7 of the said section 5 is amended by striking out "of the colleges, faculties and schools" in the second line.

s. 9 (2),  
repealed

6. Subsection 2 of section 9 of the said Act is repealed.

s. 12,  
re-enacted

7. Section 12 of the said Act is repealed and the following substituted therefor:

Constituent  
colleges

12.—(1) The constituent colleges of the University are,

- (a) Erindale College;
- (b) Innis College;
- (c) New College;
- (d) Scarborough College;
- (e) Woodsworth College,

and any other college hereafter established by the Governing Council.

Council of  
constituent  
colleges

(2) Each constituent college now or hereafter established by the Governing Council shall have a council with such composition, powers and duties as are from time to time determined by the Governing Council.

s. 19 (1),  
amended

- 8.—(1) Subsection 1 of section 19 of the said Act is amended by striking out "University Affairs" in the second line and inserting in lieu thereof "Colleges and Universities".

s. 19,  
amended

- (2) The said section 19 is amended by adding thereto the following subsection:

SECTION 5.—Subsection 1. The new subsection 4*a* of section 5 gives the President the power to delegate his duties under subsection 4 of section 5 to any other officer or employee of the University.

Subsection 2. Subsection 6 of section 5 presently reads as follows:

- (6) *The President may summon meetings of the council of any college, faculty or school.*

The re-enactment reflects the change in the definition of “council”.

Subsection 3. Subsection 7 of section 5 presently reads as follows:

- (7) *The President may summon joint meetings of the councils of the colleges, faculties and schools or any two or more of them.*

The re-enactment reflects the change in the definition of “council”.

SECTION 6. The present subsection 2 of section 9 reads as follows:

- (2) *Notwithstanding section 2 but only with the approval of the Governing Council, any council may at any time change its internal structure and the form of its government.*

The repeal is consistent with the power given the Governing Council under the new clause *i* of subsection 14 of section 2 of the Act (see subsection 6 of section 2 of this Bill).

SECTION 7. Section 12 presently reads as follows:

*12. The constituent colleges of the University are,*

*(a) Erindale College;*

*(b) Innis College;*

*(c) New College;*

*(d) Scarborough College,*

*and any other colleges hereafter established by the Governing Council.*

The re-enactment of subsection 1 of section 12 adds Woodsworth College to the list of constituent colleges.

The new subsection 2 of section 12 requires the constituent colleges to have a council.

SECTION 8.—Subsection 1. The amendment to subsection 1 of section 19 reflects the change in the name of the Ministry.

Subsection 2. The new subsection 3 of section 19 is self-explanatory.

SECTION 9. The present section 20 reads as follows :

*20. Notwithstanding anything in this Act, the Governors of the University of Toronto shall forthwith after this section is proclaimed to be in force, conduct the first election of members of the Governing Council under clauses d, e, f and g of subsection 2 of section 2 as if this Act were in force for such purpose, and the Governors shall be deemed to have and may exercise any power necessary or expedient for such purpose.*

This section, which dealt with the first election of members to the Governing Council, is now spent.

(3) The Governing Council shall make available to the public an annual report, including a financial statement, in such form and manner as the Governing Council may determine.

**9.** Section 20 of the said Act is repealed.

s. 20,  
repealed

**10.**—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

Commence-  
ment

(2) Section 3 shall be deemed to have come into force on the 1st day of July, 1978.

Idem

**11.** The short title of this Act is *The University of Toronto Amendment Act, 1978*.

Short title

An Act to amend  
The University of Toronto Act, 1971

---

*1st Reading*

October 23rd, 1978

*2nd Reading*

December 5th, 1978

*3rd Reading*

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THE HON. B. STEPHENSON  
Minister of Education and Minister of  
Colleges and Universities

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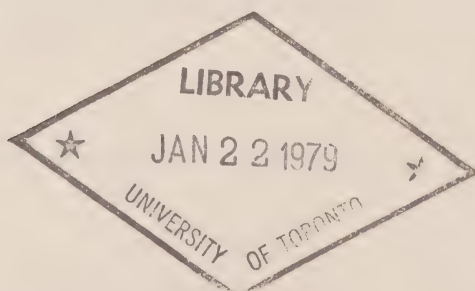
*(Reprinted as amended by the  
Committee of the Whole House)*

1356  
// **BILL 147**

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend  
The University of Toronto Act, 1971**

THE HON. B. STEPHENSON  
Minister of Education and Minister of  
Colleges and Universities



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





**An Act to amend  
The University of Toronto Act, 1971**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The University of Toronto Act*, s. 1 (1),  
1971, being chapter 56, is amended by relettering clause amended  
*a* as clause *aa* and by adding thereto the following clause:

(a) “academic unit” means University College and a college, faculty, school, institute, department or other academic division of the University so designated by the Governing Council.

- (2) Clauses *b*, *d*, *f*, *l* and *m* of subsection 1 of the said section 1 s. 1 (1) (*b*, *f*,  
are repealed and the following substituted therefor: *l*, *m*),  
re-enacted  
s. 1 (1) (*d*),  
repealed

(b) “alumni” means persons who have received degrees or post-secondary diplomas or certificates from the University, or persons who have completed one year of full-time studies, or the equivalent thereof as determined by the Governing Council, towards such a degree, diploma or certificate and are no longer registered at the University;

. . . . .

(f) “council” means the governing body of an academic unit;

. . . . .

(l) “student” means any person registered at the University for full-time or part-time study in a program that leads to a degree or post-secondary diploma or certificate of the University or in a program designated by the Governing Council as a program of post-secondary study at the University;

- (*m*) “teaching staff” means the employees of the University, University College, the constituent colleges and the arts and science faculties of the federated universities who hold the academic rank of professor, associate professor, assistant professor, full-time lecturer or part-time lecturer, unless such part-time lecturer is registered as a student, or who hold any other rank created by the Governing Council and designated by it as an academic rank for the purposes of this clause.

s. 2 (2) (*b*),  
re-enacted

- 2.—(1) Clause *b* of subsection 2 of section 2 of the said Act is repealed and the following substituted therefor:

- (*b*) two members appointed by the President from among the officers of the University, University College, the constituent colleges, the federated universities and the federated and affiliated colleges.

s. 2,  
amended

- (2) The said section 2 is amended by adding thereto the following subsection:

Eligibility of  
candidates

- (3*a*) No person shall be a candidate for election to the Governing Council under more than one clause of subsection 2 in any one election, and, where a person is so eligible, he shall declare the clause under which he seeks election.

s. 2 (6) (*b-d*),  
re-enacted  
s. 2 (6) (*e, f*),  
repealed

- (3) Clauses *b, c, d, e* and *f* of subsection 6 of the said section 2 are repealed and the following substituted therefor:

- (*b*) the persons appointed by the Lieutenant Governor in Council under clause *c* of subsection 2 shall be appointed for a three-year term and shall be representative of the community;

- (*c*) the persons elected by the students under clause *e* of subsection 2 shall be elected for a one-year term; and

- (*d*) the persons elected by the teaching staff, the administrative staff and the alumni under clauses *d, f* and *g*, respectively, of subsection 2 shall be elected for a three-year term.

s. 2 (11),  
re-enacted  
s. 2 (12),  
repealed

- (4) Subsections 11 and 12 of the said section 2 are repealed and the following substituted therefor:

Chairman  
and Vice-  
Chairman

- (11) The Governing Council shall elect annually a Chairman and a Vice-Chairman from among the members appointed by the Lieutenant Governor in Council and shall fill any vacancy in the office of Chairman or Vice-Chairman from among such members.

- (5) Clauses *b*, *d*, *e*, *f*, *i*, *j*, *k* and *n* of subsection 14 of the said section 2 are repealed and the following substituted therefor: s. 2 (14)  
(*b*, *d-f*, *i-k*, *n*),  
re-enacted

(*b*) appoint, promote, suspend and remove the members of the teaching and administrative staffs of the University and all such other officers and employees, including *pro tempore* appointments, as the Governing Council considers necessary or advisable for the purposes of the University or University College, but no member of the teaching or administrative staffs, except the President, shall be appointed, promoted, suspended or removed unless recommended by the President or such other officer or employee of the University designated therefor by the President under subsection 4*a* of section 5;

. . . . .

(*d*) delegate such of its powers under clauses *b* and *c* as it considers proper to the President or to such other officer or employee of the University as may be designated by the President;

(*e*) appoint committees and delegate thereto power and authority to act for the Governing Council with respect to any matter or class of matters, provided that where power and authority to act for the Governing Council are delegated, a majority of the members of the committee shall be members of the Governing Council;

(*f*) establish, change and terminate academic and administrative units within the University and determine the powers and duties of any such unit;

. . . . .

(*i*) establish, change and, subject to subsection 2 of section 12, terminate councils within the University and determine the composition, powers and duties of any such council;

(*j*) provide for the granting of and grant degrees, including honorary degrees, diplomas and certificates;

(*k*) establish, change and terminate chairs and programs and courses of study;

. . . . .

- (*n*) determine and regulate the standards for the admission of students to the University, the contents and curricula of all programs and courses of study and the requirements for graduation;
- (*na*) delegate such of its powers under clauses *g*, *h*, and *n* as it considers proper to any academic unit or council;
- (*nb*) determine the manner and procedure of election of its members, including the determination of constituencies, assign students and members of the teaching staff and administrative staff to such constituencies, and conduct such elections, but in the case of election of members by the administrative staff, the teaching staff and the students, or any of them, the elections shall be by secret ballot and no person shall be eligible to cast more than one ballot;
- (*nc*) determine whether any person is a member, or any class of persons are members, of the administrative staff or the teaching staff or the alumni or is or are a student or students, and if a student or students, whether full-time graduate, part-time graduate, full-time undergraduate or part-time undergraduate;
- (*nd*) invest all money that comes into its hands and that is not required to be expended for any purpose to which it lawfully may be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of the instruments creating any trust as to the same, in such manner as it considers proper and, except where a trust instrument otherwise directs, combine trust moneys belonging to various trusts in its care into a common trust fund.

s. 2,  
amended

- (6) The said section 2 is amended by adding thereto the following subsection:

Delegation  
to sub-  
committees

(14a) A committee appointed under clause *e* of subsection 14 with power and authority to act for the Governing Council with respect to any of the powers of the Governing Council under clauses *g*, *h* and *n* of subsection 14 may, with the approval of the Governing Council, appoint and delegate such powers to subcommittees, and the majority of the members of such subcommittees need not be members of the Governing Council.

s. 2 (15),  
re-enacted

- (7) Subsection 15 of the said section 2 is repealed and the following substituted therefor:

(15) The Governing Council shall pass by-laws regulating the exercise of its powers and the calling and conduct of its meetings and those of committees appointed by it and, subject to subsection 5 of section 3, including the quorum of any such committee, and its decisions shall be made by resolutions passed at its meetings.

By-laws and  
resolutions  
of Governing  
Council

(8) Subsection 19 of the said section 2 is repealed.

s. 2 (19),  
repealed

3. The said Act is amended by adding thereto the following section:

s. 2a,  
enacted

2a. Notwithstanding anything in this Act or the Acts, charters, letters patent, supplementary letters patent or articles creating or governing the Governing Council, The Toronto School of Theology or any of its member institutions and any or all of its member institutions as they may exist from time to time, the Governing Council, The Toronto School of Theology and any or all of its member institutions may enter into agreements for the purpose of enabling the University to participate in the direction of theological education programs offered by the said School and its member institutions, which agreements may include provisions not in accordance with this Act or the Acts, charters, letters patent, supplementary letters patent or articles creating or governing The Toronto School of Theology or any of its member institutions for,

Degrees  
in theology

- (a) the conjoint registration of students;
- (b) the granting and conferring of conjoint earned degrees in theology;
- (c) the disciplinary jurisdiction of the member institutions over their students and teaching staffs; and
- (d) the relationships between the member institutions and their teaching staffs,

as are deemed appropriate from time to time, but without affecting the composition or eligibility to be a member of or to participate in the election of any member of the Governing Council or the Executive Committee or any other committee thereof.

4. Section 3 of the said Act is amended by adding thereto the following subsection:

s. 3,  
amended

(5) Six members, at least three of whom shall be members elected by the alumni or appointed by the Lieutenant Gover-

Quorum



nor in Council, constitute a quorum of the Executive Committee.

s. 5  
amended

- 5.**—(1) Section 5 of the said Act is amended by adding thereto the following subsection:

Delegation by  
President

(4a) The President, subject to the approval of the Governing Council, may delegate his duties under subsection 4, other than a recommendation to remove a member of the teaching staff, to any other officer or employee of the University.

s. 5 (6),  
re-enacted

- (2) Subsection 6 of the said section 5 is repealed and the following substituted therefor:

Meetings  
of councils

(6) The President may summon a meeting of any council.

s. 5 (7),  
amended

- (3) Subsection 7 of the said section 5 is amended by striking out “of the colleges, faculties and schools” in the second line.

s. 9 (2),  
repealed

- 6.** Subsection 2 of section 9 of the said Act is repealed.

s. 12,  
re-enacted

- 7.** Section 12 of the said Act is repealed and the following substituted therefor:

Constituent  
colleges

12.—(1) The constituent colleges of the University are,

(a) Erindale College;

(b) Innis College;

(c) New College;

(d) Scarborough College;

(e) Woodsworth College,

and any other college hereafter established by the Governing Council.

Council of  
constituent  
colleges

(2) Each constituent college now or hereafter established by the Governing Council shall have a council with such composition, powers and duties as are from time to time determined by the Governing Council.

s. 19 (1),  
amended

- 8.**—(1) Subsection 1 of section 19 of the said Act is amended by striking out “University Affairs” in the second line and inserting in lieu thereof “Colleges and Universities”.

s. 19,  
amended

- (2) The said section 19 is amended by adding thereto the following subsection:

(3) The Governing Council shall make available to the public an annual report, including a financial statement, in such form and manner as the Governing Council may determine. Annual public report

9. Section 20 of the said Act is repealed.

s. 20,  
repealed

10.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent. Commence-  
ment

(2) Section 3 shall be deemed to have come into force on the 1st day of July, 1978. Idem

11. The short title of this Act is *The University of Toronto Amendment Act, 1978*. Short title







An Act to amend  
The University of Toronto Act, 1971

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*1st Reading*

October 23rd, 1978

*2nd Reading*

December 5th, 1978

*3rd Reading*

December 12th, 1978

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THE HON. B. STEPHENSON  
Minister of Education and Minister of  
Colleges and Universities

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384W  
B  
BSG

3  
7 BILL 148

Government  
Publications  
Government Bill

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

An Act to amend  
The Ontario Agricultural Museum Act, 1975

THE HON. W. NEWMAN  
Minister of Agriculture and Food



#### EXPLANATORY NOTE

SECTION 1. Section 11 of the Act at present reads as follows:

- 11.—(1) *Any moneys realized from the sale of property or artifacts under section 8 shall be paid into the Consolidated Revenue Fund and shall be held by the Treasurer of Ontario in trust for the Museum and section 16 of The Financial Administration Act applies to such moneys.*
- (2) *Any moneys to which subsection 1 applies may be used by or on behalf of the Museum for the purpose of purchasing such property and artifacts as are consistent with the objects of the Museum.*

The application of subsection 1 is extended to moneys realized from donations.

Subsection 2 provides that moneys realized from grants may, with the consent of the Treasurer of Ontario, be held in trust for the Museum.

The present subsection 2 is re-enacted as subsection 3 and is extended to apply to moneys held in trust for the Museum under subsection 2.

BILL 148

1978

## An Act to amend The Ontario Agricultural Museum Act, 1975

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Ontario Agricultural Museum Act, 1975*,<sup>s. 11, re-enacted</sup> being chapter 58, is repealed and the following substituted therefor:

11.—(1) Any moneys realized from donations, and the sale of property and artifacts under section 8, shall be paid into the Consolidated Revenue Fund and shall be held by the Treasurer of Ontario in trust for the Museum and section 16 of *The Financial Administration Act* applies to such moneys.<sup>Moneys to be held in trust for Museum  
R.S.O. 1970, c. 166</sup>

(2) Any moneys realized from grants shall be paid into the Consolidated Revenue Fund and, with the consent of the Treasurer of Ontario, may be held in trust for the Museum, in which case section 16 of *The Financial Administration Act* shall apply to such moneys.<sup>Moneys may be held in trust for Museum</sup>

(3) Any moneys to which subsection 1 applies or held in trust for the Museum under subsection 2 may be used by or on behalf of the Museum for the purpose of purchasing such property and artifacts as are consistent with the objects of the Museum.<sup>Use of moneys</sup>

2. This Act comes into force on the day it receives Royal Assent.<sup>Commence-ment</sup>
3. The short title of this Act is *The Ontario Agricultural Museum Amendment Act, 1978*.<sup>Short title</sup>

An Act to amend  
The Ontario Agricultural Museum  
Act, 1975

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*1st Reading*

October 23rd, 1978

*2nd Reading*

*3rd Reading*

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THE HON. W. NEWMAN  
Minister of Agriculture and Food

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*(Government Bill)*

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30  
11 **BILL 148**  
14

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend  
The Ontario Agricultural Museum Act, 1975**

THE HON. W. NEWMAN  
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 148

1978

**An Act to amend  
The Ontario Agricultural Museum Act, 1975**

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Ontario Agricultural Museum Act, 1975*,<sup>s. 11, re-enacted</sup> being chapter 58, is repealed and the following substituted therefor:

11.—(1) Any moneys realized from donations, and the sale of property and artifacts under section 8, shall be paid into the Consolidated Revenue Fund and shall be held by the Treasurer of Ontario in trust for the Museum and section 16 of *The Financial Administration Act* applies to such moneys.<sup>Moneys to be held in trust for Museum  
R.S.O. 1970, c. 166</sup>

(2) Any moneys realized from grants shall be paid into the Consolidated Revenue Fund and, with the consent of the Treasurer of Ontario, may be held in trust for the Museum, in which case section 16 of *The Financial Administration Act* shall apply to such moneys.<sup>Moneys may be held in trust for Museum</sup>

(3) Any moneys to which subsection 1 applies or held in trust for the Museum under subsection 2 may be used by or on behalf of the Museum for the purpose of purchasing such property and artifacts as are consistent with the objects of the Museum.<sup>Use of moneys</sup>

2. This Act comes into force on the day it receives Royal Assent.<sup>Commence-  
ment</sup>
3. The short title of this Act is *The Ontario Agricultural Museum Amendment Act, 1978*.<sup>Short title</sup>

An Act to amend  
The Ontario Agricultural Museum  
Act, 1975

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*1st Reading*

October 23rd, 1978

*2nd Reading*

December 4th, 1978

*3rd Reading*

December 4th, 1978

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THE HON. W. NEWMAN  
Minister of Agriculture and Food

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*1*  
*7* BILL 149

Private Member's Bill

*XB*  
*-B50*

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2ND SESSION, 31ST LEGISLATURE, *2* ONTARIO  
27 ELIZABETH II, 1978 *75*

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An Act to amend The Coroners Act, 1972

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MR. DAVIDSON

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TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

#### EXPLANATORY NOTE

The purpose of the Bill is to provide a means for ensuring that sufficient serum is produced in Ontario for the treatment of persons in Ontario who suffer from a growth hormone deficiency.

BILL 149

1978

## An Act to amend The Coroners Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 23 of *The Coroners Act, 1972*, being chapter 98, as amended by the Statutes of Ontario, 1978, chapter 38, section 13, is further amended by adding thereto the following subsection:

(1a) Where a coroner issues a warrant for a *post mortem* examination of a body, the coroner shall direct in the warrant that the pituitary glands be removed from the body during the examination and, upon removal, the coroner shall ensure that the pituitary glands are preserved and delivered to an appropriate place to be used in the production of serum for the treatment of persons suffering from a growth hormone deficiency.

2. This Act comes into force on the day it receives Royal Assent.
3. The short title of this Act is *The Coroners Amendment Act, 1978*.



An Act to amend  
The Coroners Act, 1972

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*1st Reading*

October 23rd, 1978

*2nd Reading*

*3rd Reading*

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MR. DAVIDSON

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*(Private Member's Bill)*

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**BILL 150**

**Government Bill**

2ND SESSION, 31ST LEGISLATURE, ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend The Highway Traffic Act**

THE HON. J. W. SNOW  
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTES

### SECTION 1. Self-explanatory.

SECTION 2. Section 20 of the Act sets out the length of suspension of a driver's licence of a person convicted of driving offences under the *Criminal Code*. Clause *c* of section 20 (1) of the Act is a new provision.

Section 20 (2) of the Act provides that a subsequent conviction is one that occurs within five years of the first conviction. The amendment is complementary to the change in section 20 (1).

SECTION 3. Section 37 of the Act sets out the lights required on vehicles, their location, colour, use, etc. Presently, certain lights are required to be on after dark when a vehicle is on a highway outside a city, town or village. The removal of the reference to city, town or village has the effect of requiring the lights to be on when the vehicle is on any highway after dark.

BILL 150

1978

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 167, section 4, and amended by the Statutes of Ontario, 1974, chapter 123, section 3, 1977, chapter 54, section 1 and 1978, chapter 24, section 2, is further amended by adding thereto the following subsection:
 

s. 13,  
amended

(2a) No person shall drive a motor vehicle on a highway while contravening a condition contained in his driver's licence or imposed by the regulations.

Driving in  
breach of  
condition  
prohibited

- 2.—(1) Clauses *a* and *b* of subsection 1 of section 20 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 54, section 4, are repealed and the following substituted therefor:
 

s. 20 (1) (a, b),  
re-enacted

(a) upon the first conviction, three months;

(b) upon the first subsequent conviction, six months;  
and

(c) upon an additional subsequent conviction, three  
years,

. . . . .

- (2) Subsection 2 of the said section 20, as re-enacted by the Statutes of Ontario, 1976, chapter 37, section 3, is amended by striking out "purpose of clause *b*" in the sixth line and inserting in lieu thereof "purposes of clauses *b* and *c*".
 

s. 37 (2),  
amended

- 3.—(1) Subsection 9 of section 37 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 4, section 4, is
 

s. 37 (9),  
amended

further amended by striking out "outside a city, town or village" in the first line.

s. 37 (11),  
amended

- (2) Subsection 11 of the said section 37, as amended by the Statutes of Ontario, 1978, chapter 4, section 4, is further amended by striking out "outside a city, town or village" in the first line.

s. 65 (2),  
amended

4. Subsection 2 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 2, and amended by the Statutes of Ontario, 1978, chapter 4, section 11, is further amended by striking out "2.6 metres" in the fifth line of the amendment of 1978 and inserting in lieu thereof "2.7 metres".

s. 70 (3),  
amended

5. Subsection 3 of section 70 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended by adding at the end thereof "or to motor vehicles or to road building machines operated by or on behalf of a municipality or other authority having jurisdiction over highways when the vehicle or machine is equipped with a snow clearing device".

s. 75 (2),  
amended

6. Subsection 2 of section 75 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended by adding at the end thereof "and the part of the province to which the designation shall apply".

s. 77 (10),  
re-enacted

- 7.—(1) Subsection 10 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is repealed and the following substituted therefor:

Extension of  
period by  
municipality

(10) The municipal corporation or other authority having jurisdiction over any highway may declare the provisions of subsections 5, 7 and 13 to apply to highways under its jurisdiction during any period of the year, or that the provisions of subsections 5 and 7 do not apply to any or all highways under its jurisdiction.

s. 77 (12),  
amended

- (2) Subsection 12 of the said section 77 is amended by inserting after "by-law" in the second line "approved by the Ministry".

s. 82 (17),  
amended

8. Subsection 17 of section 82 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 19, section 3, is further amended by striking out "provincial" in the first line and inserting in lieu thereof "court or".

s. 86,  
amended

9. Section 86 of the said Act is amended by adding thereto the following subsections:

SECTION 4. The part of section 65 (2) of the Act relevant to this amendment sets out the maximum width at point of origin for a load of raw forest product on a vehicle. This maximum width is being increased from 2.6 metres to 2.7 metres. The maximum width for a load of raw forest product while on a highway remains 2.8 metres.

SECTION 5. Section 70 (3) of the Act presently reads as follows:

- (3) *The provisions of this Part do not apply to over-dimensional farm vehicles.*

The Part of the Act refers to weight of vehicles.

SECTION 6. Section 75 (2) of the Act presently reads as follows:

- (2) *For the purposes of this section, the Minister may designate by regulation the date on which a "freeze-up" shall commence and the date on which a "freeze-up" shall terminate.*

The amendment is to clarify that the Minister may designate specified parts of the Province.

SECTION 7.—Subsection 1. Sections 77 (5) and 77 (7) provide that during the months of April and May commercial vehicles of a certain weight shall not operate upon such portions of the King's Highway as are specified by the Lieutenant Governor in Council. Section 77 (13) is the penalty section. Section 77 (10) presently reads as follows:

- (10) *The municipal corporation or other authority having jurisdiction over any highway may declare the provisions of subsections 5, 7 and 13 to apply to highways under its jurisdiction during any period of the year.*

Subsection 2. Section 77 (12) as amended reads as follows:

- (12) *The municipal corporation or other authority having jurisdiction over a bridge may by by-law approved by the Ministry limit the gross vehicle weight of any vehicle or any class thereof passing over such bridge, and the requirements of subsection 11 with respect to the posting up of notice apply thereto.*

The words underlined are being added.

SECTION 8. Section 82 (17) of the Act presently refers to a conviction by a provincial judge. This is being amended to refer to a conviction by a court or judge.

SECTION 9. Section 86 of the Act presently authorizes a police officer to direct traffic according to his discretion where he considers it necessary in an emergency or to prevent injury or damage.

The new provisions extend this authority to permit him to close a highway by posting signs or by placing traffic control devices where he considers it necessary for orderly movement of traffic, to prevent injury or damage or in an emergency situation.

SECTION 10. The present section 92 (3) of the Act prohibits one vehicle from passing another vehicle when approaching a pedestrian crossover.

SECTION 11.—Subsection 1. The subsection is recast to permit a turn to the left from a one-way street into a one-way street while facing a red light.

Subsection 2. The Act presently provides for the situation where an intersection is controlled by a green arrow with a red signal-light. The new provision provides for the situation where the red signal-light is not shown.

Subsection 3. The purpose of the provision is to simplify the existing directions for the erection of signal-lights. The major change is to make clear that, where a signal-light traffic control system is installed, a set of signal-lights shall face each direction from which traffic approaches.



(2) For the purposes of subsection 1, a constable or other police officer may close a highway or any part thereof to vehicles by posting or causing to be posted signs to that effect, or placing or causing to be placed traffic control devices as prescribed in the regulations. Highway closing

(3) Where signs or traffic control devices have been posted or placed under subsection 2, no person shall drive or operate a vehicle on the closed highway or part thereof in intentional disobedience of the signs or traffic control devices. Driving on closed highway prohibited

(4) Subsection 3 does not apply to a vehicle or road-building machine while it is being used for maintenance of the highway or an ambulance, a fire department vehicle, a public utility emergency vehicle or a police vehicle. Exception to subs. 3

(5) Every person using a highway closed to traffic in accordance with this section does so at his own risk and the Crown or road authority having jurisdiction and control of the highway is not liable for any damage sustained by a person using the highway so closed to traffic. No Crown or road authority liability

(6) The Lieutenant Governor in Council may make regulations providing for the posting of signs and the placing of traffic control devices on any highway or any type or class thereof for the purposes of this section, and prescribing the types of signs and traffic control devices. Regulations

**10.** Subsection 3 of section 92 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 19, section 6, is repealed and the following substituted therefor: s. 92 (3), re-enacted

(3) When a vehicle or street car is approaching a pedestrian crossover and is within 30 metres thereof, the driver of any other vehicle or street car approaching from the rear shall not allow the front extremity of his vehicle or streetcar to pass beyond the front extremity of the other vehicle or street car unless the driver of that other vehicle is signalling an intention to turn. Passing moving vehicles within 30 metres of pedestrian crossover

**11.—**(1) Subsection 5 of section 96 of the said Act is repealed and the following substituted therefor: s. 96 (5), re-enacted

(5) When a red signal-light is shown at an intersection, every driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before red

entering the intersection, and shall not proceed until a green light is shown, but the driver or operator may, after bringing the vehicle or car to a full stop,

(a) turn to the right; or

(b) turn to the left from a one-way street into a one-way street.

s. 96,  
amended

- (2) The said section 96, as amended by the Statutes of Ontario, 1974, chapter 123, section 25, 1977, chapter 19, section 9 and 1977, chapter 54, section 13, is further amended by adding thereto the following subsection:

Idem

(9a) Where a signal-light traffic control system shows a green arrow without the red signal-light illuminated at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing the arrow, may proceed into the intersection only to follow the direction indicated by the arrow.

s. 96 (17),  
re-enacted

- (3) Subsection 17 of the said section 96, as amended by the Statutes of Ontario, 1977, chapter 19, section 9, is repealed and the following substituted therefor:

Signal-light  
traffic control  
system

(17) Every signal-light traffic control system shall consist of a minimum of two sets of,

(a) green, amber and red signal-lights;

(b) green arrow, amber and red signal-lights;

(c) green arrow, green, amber and red signal-lights; or

(d) any combination thereof.

Idem

(17a) Where a signal-light traffic control system is installed one signal-light shall be located to the right side of the roadway used by the traffic controlled by it and to the side of the intersection that is remote from the traffic as it approaches, and at least two sets of signal-lights shall be installed facing each direction from which traffic approaches the intersection.

Idem

(17b) Where traffic is controlled in separate lanes by signal-lights, one set may be suspended over the centre point of each lane separately controlled to the side of the intersecting roadway that is remote from traffic as it approaches.

Idem

(17c) Traffic signal-lights, where installed, shall be not less than 2.75 metres from the level of the roadway when adjacent



SECTION 12. Section 98 (3) is being recast to provide that it does not apply to road-building machines or construction vehicles while making a highway.

SECTION 13. The provision presently prohibits a commercial motor vehicle from following within 60 metres of another commercial motor vehicle on a highway outside a city, town or village. The amendment deletes the reference to "city, town or village" and prohibits a commercial motor vehicle from following within 60 metres of any vehicle.

SECTION 14. Section 116 (8) of the Act requires commercial motor vehicles to be equipped with certain warning lights when on a highway "outside a city, town or village".

Section 116 (9) of the Act requires disabled commercial motor vehicles to set up certain warning lights when on a roadway "outside a city, town or village".

In both cases, the reference to city, town or village has been replaced.

to the travelled portion of the roadway and not less than 4.5 metres from the level of the roadway when suspended over the travelled portion of the roadway.

(17d) Where traffic signal-lights are installed at a location other than an intersection, the arrangement of the lights shall comply as nearly as possible with the provisions of subsections 17a, 17b and 17c. Idem

**12.—**(1) Subsection 3 of section 98 of the said Act is repealed and the following substituted therefor: s. 98 (3), re-enacted

(3) Where a person in charge of a vehicle or on horseback on a highway is overtaken by a vehicle or horseman travelling at a greater speed, the person so overtaken shall turn out to the right and allow the overtaking vehicle or horseman to pass, but this does not apply to a vehicle, road-building machine or apparatus while engaged in the construction, maintenance or making of a highway. Vehicles or horsemen overtaken by others

(2) Subsection 5 of the said section 98, as amended by the Statutes of Ontario, 1974, chapter 123, section 26, is repealed and the following substituted therefor: s. 98 (5), re-enacted

(5) Where a person on a bicycle, motor assisted bicycle or a tricycle on a highway is overtaken by a vehicle travelling at a greater speed, the person so overtaken shall turn out to the right and allow such vehicle to pass and the person so overtaking a bicycle, motor assisted bicycle or tricycle shall turn out to the left so far as may be necessary to avoid a collision. Bicycles, etc., overtaken by vehicles

**13.** Subsection 2 of section 105 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 19, section 11, is further amended by striking out "outside of a city, town or village" in the second line and inserting in lieu thereof "on which the maximum speed limit exceeds 60 kilometres per hour", by striking out "commercial" in the third line and by striking out "such" in the fifth line. s. 105 (2), amended

**14.—**(1) Subsection 8 of section 116 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 19, section 16, is further amended by striking out "outside a city, town or village" in the second line and inserting in lieu thereof "on which the maximum speed limit is in excess of 60 kilometres per hour". s. 116 (8), amended

(2) Subsection 9 of the said section 116, as amended by the Statutes of Ontario, 1977, chapter 19, section 16, is further amended by striking out "outside a city, town or" s. 116 (9), amended

village" in the fourth line and inserting in lieu thereof "on which the maximum speed limit is in excess of 60 kilometres per hour".

s. 129,  
re-enacted

**15.** Section 129 of the said Act is repealed and the following substituted therefor:

Removal of  
aircraft from  
highway after  
emergency  
landing

129.—(1) Where an aircraft has made an emergency landing on a highway, the pilot in command thereof, if he is physically capable, shall, as soon after landing as is reasonably possible, remove or cause it to be removed from the roadway.

Aircraft and  
movement  
along highway  
subject to Act

(2) Subject to subsection 3, no aircraft shall be driven or drawn along a highway unless the aircraft and the movement thereof comply with the provisions of this Act respecting vehicles and the movement thereof on a highway.

Aircraft  
take-off from  
highway

(3) Where an aircraft has landed on a highway because of an emergency related to the operation of the aircraft, the aircraft may take off from the highway provided,

(a) a commercial licensed pilot, not being the owner of the aircraft, who is qualified to fly that class and category of aircraft, and the pilot in command of the aircraft are both satisfied that the aircraft is airworthy and that there are no physical obstructions on or over the highway which would make such take off unsafe;

(b) the pilot in command of the aircraft is satisfied that weather conditions are satisfactory for the purpose and that the minimum requirements are met under the visual flight rules established by the regulations made under the *Aeronautics Act* (Canada) or, if the flight is to be continued under instrument flight rules, that adequate arrangements can be made for obtaining a clearance from an air traffic control unit prior to entering instrument flight weather conditions;

(c) traffic control is provided by the appropriate police force; and

(d) the police force consents to the take off.

R.S.C. 1970,  
c. A 3

Penalty

(4) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.



SECTION 15. Section 129 of the Act presently reads as follows:

- 129.—(1) *Where an aircraft has made an emergency landing on a highway, the pilot, if he is physically capable, shall, within a reasonable time, remove it or cause it to be removed from the roadway.*
- (2) *No aircraft shall be driven or drawn along a highway unless the aircraft and the movement thereof comply with the provisions of this Act respecting vehicles and the movement thereof on a highway.*

The new provisions provide for aircraft take off from a highway in controlled circumstances where there has been an emergency landing.



SECTION 16. Section 152*a* of the Act sets up the legislation framework for a driver improvement program. The programs, where they are conducted, would be conducted by the Ministry. The amendment transfers this responsibility to the Ministry of the Attorney General from the Ministry of Transportation and Communications.

(5) No action or other proceeding for damages shall be instituted against a police force, police officer or pilot, for an act or an omission done or omitted to be done by it or him in respect of the subject-matter of subsection 3 where the force, officer or pilot was acting in good faith. No liability where good faith

- 16.** Subsection 1 of section 152*a* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 66, section 8, is amended by adding thereto the following clause: s. 152*a* (1). amended

(*ca*) "Ministry" means the Ministry of the Attorney General.

- 17.** This Act comes into force on the day it receives Royal Assent. Commencement
- 18.** The short title of this Act is *The Highway Traffic Amendment Act, 1978*. Short title

An Act to amend  
The Highway Traffic Act

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*1st Reading*

October 24th, 1978

*2nd Reading*

*3rd Reading*

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THE HON. J. W. SNOW  
Minister of Transportation and  
Communications

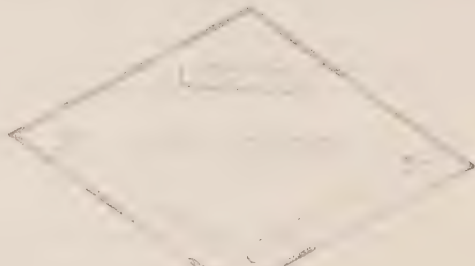
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*(Government Bill)*

2ND SESSION, 31ST LEGISLATURE, <sup>5</sup>ONTARIO  
27 ELIZABETH II, 1978 <sup>7</sup>

## **An Act to amend The Highway Traffic Act**

THE HON. J. W. SNOW  
Minister of Transportation and Communications



*(Reprinted as amended by the Committee of the Whole House)*

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

## EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. Section 20 of the Act sets out the length of suspension of a driver's licence of a person convicted of driving offences under the *Criminal Code*. Clause *c* of section 20 (1) of the Act is a new provision.

Section 20 (2) of the Act provides that a subsequent conviction is one that occurs within five years of the first conviction. The amendment is complementary to the change in section 20 (1).

SECTION 3. Section 37 of the Act sets out the lights required on vehicles, their location, colour, use, etc. Presently, certain lights are required to be on after dark when a vehicle is on a highway outside a city, town or village. The removal of the reference to city, town or village has the effect of requiring the lights to be on when the vehicle is on any highway after dark.

## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 167, section 4, and amended by the Statutes of Ontario, 1974, chapter 123, section 3, 1977, chapter 54, section 1 and 1978, chapter 24, section 2, is further amended by adding thereto the following subsection:

(2a) No person shall drive a motor vehicle on a highway while contravening a condition contained in his driver's licence or imposed by the regulations.

s. 13,  
amended  
  
Driving in  
breach of  
condition  
prohibited

- 2.—(1) Clauses *a* and *b* of subsection 1 of section 20 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 54, section 4, are repealed and the following substituted therefor:

(a) upon the first conviction, three months;

(b) upon the first subsequent conviction, six months;  
and

(c) upon an additional subsequent conviction, three years,

. . . . .

- (2) Subsection 2 of the said section 20, as re-enacted by the Statutes of Ontario, 1976, chapter 37, section 3, is amended by striking out "purpose of clause *b*" in the sixth line and inserting in lieu thereof "purposes of clauses *b* and *c*".

- 3.—(1) Subsection 9 of section 37 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 4, section 4, is

s. 37 (9),  
amended

further amended by striking out "outside a city, town or village" in the first line.

s. 37 (11),  
amended

- (2) Subsection 11 of the said section 37, as amended by the Statutes of Ontario, 1978, chapter 4, section 4, is further amended by striking out "outside a city, town or village" in the first line.

s. 65 (2),  
amended

4. Subsection 2 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 2, and amended by the Statutes of Ontario, 1978, chapter 4, section 11, is further amended by striking out "2.6 metres" in the fifth line of the amendment of 1978 and inserting in lieu thereof "2.7 metres".

s. 70 (3),  
amended

5. Subsection 3 of section 70 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended by adding at the end thereof "or to motor vehicles or to road building machines operated by or on behalf of a municipality or other authority having jurisdiction over highways when the vehicle or machine is equipped with a snow clearing device".

s. 75 (2),  
amended

6. Subsection 2 of section 75 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended by adding at the end thereof "and the part of the province to which the designation shall apply".

s. 77 (10),  
re-enacted

- 7.—(1) Subsection 10 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is repealed and the following substituted therefor:

Extension of  
period by  
municipality

(10) The municipal corporation or other authority having jurisdiction over any highway may declare the provisions of subsections 5, 7 and 13 to apply to highways under its jurisdiction during any period of the year, or that the provisions of subsections 5 and 7 do not apply to any or all highways under its jurisdiction.

s. 77 (12),  
amended

- (2) Subsection 12 of the said section 77 is amended by inserting after "by-law" in the second line "approved by the Ministry".

s. 82 (17),  
amended

8. Subsection 17 of section 82 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 19, section 3, is further amended by striking out "provincial" in the first line and inserting in lieu thereof "court or".

s. 86,  
amended

9. Section 86 of the said Act is amended by adding thereto the following subsections:



SECTION 4. The part of section 65 (2) of the Act relevant to this amendment sets out the maximum width at point of origin for a load of raw forest product on a vehicle. This maximum width is being increased from 2.6 metres to 2.7 metres. The maximum width for a load of raw forest product while on a highway remains 2.8 metres.

SECTION 5. Section 70 (3) of the Act presently reads as follows:

*(3) The provisions of this Part do not apply to over-dimensional farm vehicles.*

The Part of the Act refers to weight of vehicles.

SECTION 6. Section 75 (2) of the Act presently reads as follows:

*(2) For the purposes of this section, the Minister may designate by regulation the date on which a "freeze-up" shall commence and the date on which a "freeze-up" shall terminate.*

The amendment is to clarify that the Minister may designate specified parts of the Province.

SECTION 7.—Subsection 1. Sections 77 (5) and 77 (7) provide that during the months of April and May commercial vehicles of a certain weight shall not operate upon such portions of the King's Highway as are specified by the Lieutenant Governor in Council. Section 77 (13) is the penalty section. Section 77 (10) presently reads as follows:

*(10) The municipal corporation or other authority having jurisdiction over any highway may declare the provisions of subsections 5, 7 and 13 to apply to highways under its jurisdiction during any period of the year.*

Subsection 2. Section 77 (12) as amended reads as follows:

*(12) The municipal corporation or other authority having jurisdiction over a bridge may by by-law approved by the Ministry limit the gross vehicle weight of any vehicle or any class thereof passing over such bridge, and the requirements of subsection 11 with respect to the posting up of notice apply thereto.*

The words underlined are being added.

SECTION 8. Section 82 (17) of the Act presently refers to a conviction by a provincial judge. This is being amended to refer to a conviction by a court or judge.

SECTION 9. Section 86 of the Act presently authorizes a police officer to direct traffic according to his discretion where he considers it necessary in an emergency or to prevent injury or damage.

The new provisions extend this authority to permit him to close a highway by posting signs or by placing traffic control devices where he considers it necessary for orderly movement of traffic, to prevent injury or damage or in an emergency situation.

SECTION 10. The present section 92 (3) of the Act prohibits one vehicle from passing another vehicle when approaching a pedestrian crossover.

SECTION 11.—Subsection 1. The subsection is recast to permit a turn to the left from a one-way street into a one-way street while facing a red light.

Subsection 2. The Act presently provides for the situation where an intersection is controlled by a green arrow with a red signal-light. The new provision provides for the situation where the red signal-light is not shown.

Subsection 3. The purpose of the provision is to simplify the existing directions for the erection of signal-lights. The major change is to make clear that, where a signal-light traffic control system is installed, a set of signal-lights shall face each direction from which traffic approaches.

(2) For the purposes of subsection 1, a constable or other police officer may close a highway or any part thereof to vehicles by posting or causing to be posted signs to that effect, or placing or causing to be placed traffic control devices as prescribed in the regulations. Highway closing

(3) Where signs or traffic control devices have been posted or placed under subsection 2, no person shall drive or operate a vehicle on the closed highway or part thereof in intentional disobedience of the signs or traffic control devices. Driving on closed highway prohibited

(4) Subsection 3 does not apply to a vehicle or road-building machine while it is being used for maintenance of the highway or an ambulance, a fire department vehicle, a public utility emergency vehicle or a police vehicle. Exception to subs. 3

(5) Every person using a highway closed to traffic in accordance with this section does so at his own risk and the Crown or road authority having jurisdiction and control of the highway is not liable for any damage sustained by a person using the highway so closed to traffic. No Crown or road authority liability

(6) The Lieutenant Governor in Council may make regulations providing for the posting of signs and the placing of traffic control devices on any highway or any type or class thereof for the purposes of this section, and prescribing the types of signs and traffic control devices. Regulations

**10.** Subsection 3 of section 92 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 19, section 6, is repealed and the following substituted therefor: s. 92 (3), re-enacted

(3) When a vehicle or street car is approaching a pedestrian crossover and is within 30 metres thereof, the driver of any other vehicle or street car approaching from the rear shall not allow the front extremity of his vehicle or streetcar to pass beyond the front extremity of the other vehicle or street car. Passing moving vehicles within 30 metres of pedestrian crossover

**11.—**(1) Subsection 5 of section 96 of the said Act is repealed and the following substituted therefor: s. 96 (5), re-enacted

(5) When a red signal-light is shown at an intersection, every driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before red

entering the intersection, and shall not proceed until a green light is shown, but the driver or operator may, after bringing the vehicle or car to a full stop,

(a) turn to the right; or

(b) turn to the left from a one-way street into a one-way street.

s. 96,  
amended

- (2) The said section 96, as amended by the Statutes of Ontario, 1974, chapter 123, section 25, 1977, chapter 19, section 9 and 1977, chapter 54, section 13, is further amended by adding thereto the following subsection:

Idem

(9a) Where a signal-light traffic control system shows a green arrow without the red signal-light illuminated at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing the arrow, may proceed into the intersection only to follow the direction indicated by the arrow.

s. 96 (17),  
re-enacted

- (3) Subsection 17 of the said section 96, as amended by the Statutes of Ontario, 1977, chapter 19, section 9, is repealed and the following substituted therefor:

Signal-light  
traffic control  
system

(17) Every signal-light traffic control system shall consist of a minimum of two sets of,

(a) green, amber and red signal-lights;

(b) green arrow, amber and red signal-lights;

(c) green arrow, green, amber and red signal-lights; or

(d) any combination thereof.

Idem

(17a) Where a signal-light traffic control system is installed one signal-light shall be located to the right side of the roadway used by the traffic controlled by it and to the side of the intersection that is remote from the traffic as it approaches, and at least two sets of signal-lights shall be installed facing each direction from which traffic approaches the intersection.

Idem

(17b) Where traffic is controlled in separate lanes by signal-lights, one set may be suspended over the centre point of each lane separately controlled to the side of the intersecting roadway that is remote from traffic as it approaches.

Idem

(17c) Traffic signal-lights, where installed, shall be not less than 2.75 metres from the level of the roadway when adjacent



SECTION 12. Section 98 (1, 3) are being recast to provide that they do not apply to road-building machines or construction vehicles while marking a highway.

SECTION 13. The provision presently prohibits a commercial motor vehicle from following within 60 metres of another commercial motor vehicle on a highway outside a city, town or village. The amendment deletes the reference to "city, town or village" and prohibits a commercial motor vehicle from following within 60 metres of any vehicle.

SECTION 14. Section 116 (8) of the Act requires commercial motor vehicles to be equipped with certain warning lights when on a highway "outside a city, town or village".

Section 116 (9) of the Act requires disabled commercial motor vehicles to set up certain warning lights when on a roadway "outside a city, town or village".

In both cases, the reference to city, town or village has been replaced.



to the travelled portion of the roadway and not less than 4.5 metres from the level of the roadway when suspended over the travelled portion of the roadway.

(17*d*) Where traffic signal-lights are installed at a location <sup>Idem</sup> other than an intersection, the arrangement of the lights shall comply as nearly as possible with the provisions of subsections 17*a*, 17*b* and 17*c*.

**12.**—(1) Subsection 1 of section 98 of the said Act is amended by <sup>s. 98 (1),</sup> striking out “making” in the sixth line and inserting in <sup>amended</sup> lieu thereof “marking”.

(2) Subsection 3 of the said section 98 is repealed and the <sup>s. 98 (3),</sup> following substituted therefor: <sup>re-enacted</sup>

(3) Where a person in charge of a vehicle or on horseback <sup>Vehicles or</sup> on a highway is overtaken by a vehicle or horseman <sup>horsemen</sup> travelling at a greater speed, the person so overtaken shall turn <sup>overtaken by</sup> out to the right and allow the overtaking vehicle or horseman <sup>others</sup> to pass, but this does not apply to a vehicle, road-building machine or apparatus while engaged in the construction, maintenance or marking of a highway.

**13.** Subsection 2 of section 105 of the said Act, as amended by <sup>s. 105 (2),</sup> the Statutes of Ontario, 1977, chapter 19, section 11, is <sup>re-enacted</sup> repealed and the following substituted therefor:

(2) The driver or operator of a commercial motor vehicle <sup>Headway for</sup> when driving on a highway at a speed exceeding 60 kilo- <sup>commercial</sup> metres per hour shall not follow within 60 metres of another <sup>vehicles</sup> motor vehicle, but this shall not be construed to prevent a commercial motor vehicle overtaking and passing another motor vehicle.

**14.**—(1) Subsection 8 of section 116 of the said Act, as amended by <sup>s. 116 (8),</sup> the Statutes of Ontario, 1977, chapter 19, section 16, <sup>amended</sup> is further amended by striking out “outside a city, town or village” in the second line and inserting in lieu thereof “on which the maximum speed limit is in excess of 60 kilometres per hour”.

(2) Subsection 9 of the said section 116, as amended by <sup>s. 116 (9),</sup> the Statutes of Ontario, 1977, chapter 19, section 16, <sup>amended</sup> is further amended by striking out “outside a city, town or village” in the fourth line and inserting in lieu thereof “on which the maximum speed limit is in excess of 60 kilometres per hour”.



s. 129,  
re-enacted

**15.** Section 129 of the said Act is repealed and the following substituted therefor:

Removal of  
aircraft from  
highway after  
emergency  
landing

129.—(1) Where an aircraft has made an emergency landing on a highway, the pilot in command thereof, if he is physically capable, shall, as soon after landing as is reasonably possible, remove or cause it to be removed from the roadway.

Aircraft and  
movement  
along highway  
subject to Act

(2) Subject to subsection 3, no aircraft shall be driven or drawn along a highway unless the aircraft and the movement thereof comply with the provisions of this Act respecting vehicles and the movement thereof on a highway.

Aircraft  
take-off from  
highway

(3) Where an aircraft has landed on a highway because of an emergency related to the operation of the aircraft, the aircraft may take off from the highway provided,

- (a) a commercial licensed pilot, not being the owner of the aircraft, who is qualified to fly that class and category of aircraft, and the pilot in command of the aircraft are both satisfied that the aircraft is airworthy and that there are no physical obstructions on or over the highway which would make such take off unsafe;
- (b) the pilot in command of the aircraft is satisfied that weather conditions are satisfactory for the purpose and that the minimum requirements are met under the visual flight rules established by the regulations made under the *Aeronautics Act* (Canada) or, if the flight is to be continued under instrument flight rules, that adequate arrangements can be made for obtaining a clearance from an air traffic control unit prior to entering instrument flight weather conditions;
- (c) traffic control is provided by the appropriate police force; and
- (d) the police force consents to the take off.

R.S.C. 1970,  
c. A-3

Penalty

(4) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

No liability  
where good  
faith

(5) No action or other proceeding for damages shall be instituted against a police force, police officer or pilot, for an act or an omission done or omitted to be done by it or him

SECTION 15. Section 129 of the Act presently reads as follows:

- 129.—(1) *Where an aircraft has made an emergency landing on a highway, the pilot, if he is physically capable, shall, within a reasonable time, remove it or cause it to be removed from the roadway.*
- (2) *No aircraft shall be driven or drawn along a highway unless the aircraft and the movement thereof comply with the provisions of this Act respecting vehicles and the movement thereof on a highway.*

The new provisions provide for aircraft take off from a highway in controlled circumstances where there has been an emergency landing.

SECTION 16. Section 152*a* of the Act sets up the legislation framework for a driver improvement program. The programs, where they are conducted, would be conducted by the Ministry. The amendment transfers this responsibility to the Ministry of the Attorney General from the Ministry of Transportation and Communications.

in respect of the subject-matter of subsection 3 where the force, officer or pilot was acting in good faith.

- 16.** Subsection 1 of section 152*a* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 66, section 8, is amended by adding thereto the following clause: <sup>s. 152*a* (1),  
amended</sup>

(*ca*) "Ministry" means the Ministry of the Attorney General.

- 17.**—(1) This Act, except sections 3 and 13, comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

(2) Sections 3 and 13 come into force on a day to be named by proclamation of the Lieutenant Governor. <sup>Idem</sup>

- 18.** The short title of this Act is *The Highway Traffic Amendment Act, 1978*. <sup>Short title</sup>

An Act to amend  
The Highway Traffic Act

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*1st Reading*

October 24th, 1978

*2nd Reading*

December 12th, 1978

*3rd Reading*

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THE HON. J. W. SNOW  
Minister of Transportation and  
Communications

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*(Reprinted as amended by the  
Committee of the Whole House)*

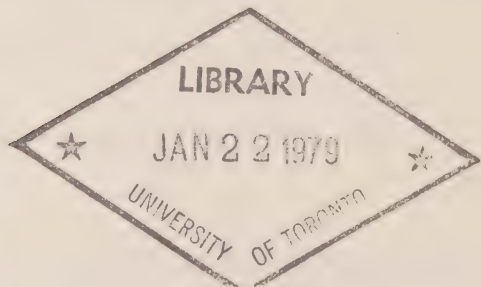
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**BILL 150**

2ND SESSION, 31ST LEGISLATURE / ONTARIO  
27 ELIZABETH II, 1978

**An Act to amend The Highway Traffic Act**

THE HON. J. W. SNOW  
Minister of Transportation and Communications



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO





## An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 167, section 4, and amended by the Statutes of Ontario, 1974, chapter 123, section 3, 1977, chapter 54, section 1 and 1978, chapter 24, section 2, is further amended by adding thereto the following subsection:

(2a) No person shall drive a motor vehicle on a highway while contravening a condition contained in his driver's licence or imposed by the regulations.

s. 13,  
amended

Driving in  
breach of  
condition  
prohibited

- 2.—(1) Clauses *a* and *b* of subsection 1 of section 20 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 54, section 4, are repealed and the following substituted therefor:

s. 20 (1) (*a*, *b*),  
re-enacted

(a) upon the first conviction, three months;

(b) upon the first subsequent conviction, six months;  
and

(c) upon an additional subsequent conviction, three  
years,

. . . . .

- (2) Subsection 2 of the said section 20, as re-enacted by the Statutes of Ontario, 1976, chapter 37, section 3, is amended by striking out "purpose of clause *b*" in the sixth line and inserting in lieu thereof "purposes of clauses *b* and *c*".

s. 20 (2),  
amended

- 3.—(1) Subsection 9 of section 37 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 4, section 4, is

s. 37 (9),  
amended

further amended by striking out “outside a city, town or village” in the first line.

s. 37 (11),  
amended

- (2) Subsection 11 of the said section 37, as amended by the Statutes of Ontario, 1978, chapter 4, section 4, is further amended by striking out “outside a city, town or village” in the first line.

s. 65 (2),  
amended

4. Subsection 2 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 2, and amended by the Statutes of Ontario, 1978, chapter 4, section 11, is further amended by striking out “2.6 metres” in the fifth line of the amendment of 1978 and inserting in lieu thereof “2.7 metres”.

s. 70 (3),  
amended

5. Subsection 3 of section 70 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended by adding at the end thereof “or to motor vehicles or to road building machines operated by or on behalf of a municipality or other authority having jurisdiction over highways when the vehicle or machine is equipped with a snow clearing device”.

s. 75 (2),  
amended

6. Subsection 2 of section 75 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended by adding at the end thereof “and the part of the province to which the designation shall apply”.

s. 77 (10),  
re-enacted

- 7.—(1) Subsection 10 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is repealed and the following substituted therefor:

Extension of  
period by  
municipality

(10) The municipal corporation or other authority having jurisdiction over any highway may declare the provisions of subsections 5, 7 and 13 to apply to highways under its jurisdiction during any period of the year, or that the provisions of subsections 5 and 7 do not apply to any or all highways under its jurisdiction.

s. 77 (12),  
amended

- (2) Subsection 12 of the said section 77 is amended by inserting after “by-law” in the second line “approved by the Ministry”.

s. 82 (17),  
amended

8. Subsection 17 of section 82 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 19, section 3, is further amended by striking out “provincial” in the first line and inserting in lieu thereof “court or”.

s. 86,  
amended

9. Section 86 of the said Act is amended by adding thereto the following subsections:

(2) For the purposes of subsection 1, a constable or other police officer may close a highway or any part thereof to vehicles by posting or causing to be posted signs to that effect, or placing or causing to be placed traffic control devices as prescribed in the regulations. Highway closing

(3) Where signs or traffic control devices have been posted or placed under subsection 2, no person shall drive or operate a vehicle on the closed highway or part thereof in intentional disobedience of the signs or traffic control devices. Driving on closed highway prohibited

(4) Subsection 3 does not apply to a vehicle or road-building machine while it is being used for maintenance of the highway or an ambulance, a fire department vehicle, a public utility emergency vehicle or a police vehicle. Exception to subs. 3

(5) Every person using a highway closed to traffic in accordance with this section does so at his own risk and the Crown or road authority having jurisdiction and control of the highway is not liable for any damage sustained by a person using the highway so closed to traffic. No Crown or road authority liability

(6) The Lieutenant Governor in Council may make regulations providing for the posting of signs and the placing of traffic control devices on any highway or any type or class thereof for the purposes of this section, and prescribing the types of signs and traffic control devices. Regulations

**10.** Subsection 3 of section 92 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 19, section 6, is repealed and the following substituted therefor: s. 92 (3), re-enacted

(3) When a vehicle or street car is approaching a pedestrian crossover and is within 30 metres thereof, the driver of any other vehicle or street car approaching from the rear shall not allow the front extremity of his vehicle or streetcar to pass beyond the front extremity of the other vehicle or street car. Passing moving vehicles within 30 metres of pedestrian crossover

**11.—**(1) Subsection 5 of section 96 of the said Act is repealed and the following substituted therefor: s. 96 (5), re-enacted

(5) When a red signal-light is shown at an intersection, every driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before red

entering the intersection, and shall not proceed until a green light is shown, but the driver or operator may, after bringing the vehicle or car to a full stop,

(a) turn to the right; or

(b) turn to the left from a one-way street into a one-way street.

s. 96,  
amended

- (2) The said section 96, as amended by the Statutes of Ontario, 1974, chapter 123, section 25, 1977, chapter 19, section 9 and 1977, chapter 54, section 13, is further amended by adding thereto the following subsection:

Idem

(9a) Where a signal-light traffic control system shows a green arrow without the red signal-light illuminated at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing the arrow, may proceed into the intersection only to follow the direction indicated by the arrow.

s. 96 (17),  
re-enacted

- (3) Subsection 17 of the said section 96, as amended by the Statutes of Ontario, 1977, chapter 19, section 9, is repealed and the following substituted therefor:

Signal-light  
traffic control  
system

(17) Every signal-light traffic control system shall consist of a minimum of two sets of,

(a) green, amber and red signal-lights;

(b) green arrow, amber and red signal-lights;

(c) green arrow, green, amber and red signal-lights; or

(d) any combination thereof.

Idem

(17a) Where a signal-light traffic control system is installed one signal-light shall be located to the right side of the roadway used by the traffic controlled by it and to the side of the intersection that is remote from the traffic as it approaches, and at least two sets of signal-lights shall be installed facing each direction from which traffic approaches the intersection.

Idem

(17b) Where traffic is controlled in separate lanes by signal-lights, one set may be suspended over the centre point of each lane separately controlled to the side of the intersecting roadway that is remote from traffic as it approaches.

Idem

(17c) Traffic signal-lights, where installed, shall be not less than 2.75 metres from the level of the roadway when adjacent



to the travelled portion of the roadway and not less than 4.5 metres from the level of the roadway when suspended over the travelled portion of the roadway.

(17d) Where traffic signal-lights are installed at a location <sup>Idem</sup> other than an intersection, the arrangement of the lights shall comply as nearly as possible with the provisions of subsections 17a, 17b and 17c.

**12.—**(1) Subsection 1 of section 98 of the said Act is amended by <sup>s. 98 (1), amended</sup> striking out “making” in the sixth line and inserting in lieu thereof “marking”.

(2) Subsection 3 of the said section 98 is repealed and the <sup>s. 98 (3), re-enacted</sup> following substituted therefor:

(3) Where a person in charge of a vehicle or on horseback <sup>Vehicles or horsemen overtaken by others</sup> on a highway is overtaken by a vehicle or horseman travelling at a greater speed, the person so overtaken shall turn out to the right and allow the overtaking vehicle or horseman to pass, but this does not apply to a vehicle, road-building machine or apparatus while engaged in the construction, maintenance or marking of a highway.

**13.** Subsection 2 of section 105 of the said Act, as amended by <sup>s. 105 (2), re-enacted</sup> the Statutes of Ontario, 1977, chapter 19, section 11, is repealed and the following substituted therefor:

(2) The driver or operator of a commercial motor vehicle <sup>Headway for commercial vehicles</sup> when driving on a highway at a speed exceeding 60 kilometres per hour shall not follow within 60 metres of another motor vehicle, but this shall not be construed to prevent a commercial motor vehicle overtaking and passing another motor vehicle.

**14.—**(1) Subsection 8 of section 116 of the said Act, as amended by <sup>s. 116 (8), amended</sup> the Statutes of Ontario, 1977, chapter 19, section 16, is further amended by striking out “outside a city, town or village” in the second line and inserting in lieu thereof “on which the maximum speed limit is in excess of 60 kilometres per hour”.

(2) Subsection 9 of the said section 116, as amended by <sup>s. 116 (9), amended</sup> the Statutes of Ontario, 1977, chapter 19, section 16, is further amended by striking out “outside a city, town or village” in the fourth line and inserting in lieu thereof “on which the maximum speed limit is in excess of 60 kilometres per hour”.

s. 129,  
re-enacted

**15.** Section 129 of the said Act is repealed and the following substituted therefor:

Removal of  
aircraft from  
highway after  
emergency  
landing

129.—(1) Where an aircraft has made an emergency landing on a highway, the pilot in command thereof, if he is physically capable, shall, as soon after landing as is reasonably possible, remove or cause it to be removed from the roadway.

Aircraft and  
movement  
along highway  
subject to Act

(2) Subject to subsection 3, no aircraft shall be driven or drawn along a highway unless the aircraft and the movement thereof comply with the provisions of this Act respecting vehicles and the movement thereof on a highway.

Aircraft  
take-off from  
highway

(3) Where an aircraft has landed on a highway because of an emergency related to the operation of the aircraft, the aircraft may take off from the highway provided,

- (a) a commercial licensed pilot, not being the owner of the aircraft, who is qualified to fly that class and category of aircraft, and the pilot in command of the aircraft are both satisfied that the aircraft is airworthy and that there are no physical obstructions on or over the highway which would make such take off unsafe;
- (b) the pilot in command of the aircraft is satisfied that weather conditions are satisfactory for the purpose and that the minimum requirements are met under the visual flight rules established by the regulations made under the *Aeronautics Act* (Canada) or, if the flight is to be continued under instrument flight rules, that adequate arrangements can be made for obtaining a clearance from an air traffic control unit prior to entering instrument flight weather conditions;
- (c) traffic control is provided by the appropriate police force; and
- (d) the police force consents to the take off.

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Penalty

(4) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

No liability  
where good  
faith

(5) No action or other proceeding for damages shall be instituted against a police force, police officer or pilot, for an act or an omission done or omitted to be done by it or him

in respect of the subject-matter of subsection 3 where the force, officer or pilot was acting in good faith.

- 16.** Subsection 1 of section 152*a* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 66, section 8, is amended by adding thereto the following clause: <sup>s. 152*a* (1).  
amended</sup>

(*ca*) "Ministry" means the Ministry of the Attorney General.

- 17.**—(1) This Act, except sections 3 and 13, comes into force on the day it receives Royal Assent. <sup>Commence-  
ment</sup>

(2) Sections 3 and 13 come into force on a day to be named by proclamation of the Lieutenant Governor. <sup>Idem</sup>

- 18.** The short title of this Act is *The Highway Traffic Amendment Act, 1978*. <sup>Short title</sup>







An Act to amend  
The Highway Traffic Act

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*1st Reading*

October 24th, 1978

*2nd Reading*

December 12th, 1978

*3rd Reading*

December 12th, 1978

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THE HON. J. W. SNOW  
Minister of Transportation and  
Communications

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